

18.09.2024
Item No.4, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
C.O. 1891 of 2023**

I.A. No. CAN 1 of 2024

Sri Pranab Kumar Naskar & Anr.

-Vs-

Anjana Baidya & Ors.

Mr. Debanik Banerjee,
Mr. Apalak Basu,
Ms. Sanghamitra Mridha,
Mr. Aritra Ray.
.....for the petitioners.

Mr. Partha Pratim Roy,
Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta,
Mr. Ankit Chatterjee.
.....for the opposite party
Nos. 2 to 4.

Affidavit of service filed on behalf of the petitioners
be kept with the record.

The matter has been brought to the list for extension
of interim order, however, by the consent of the parties, the
revisional application is taken up for consideration and final
disposal.

The defendant nos. 6 and 7 in a suit for partition are
the petitioners of the instant application under Article 227 of
the Constitution of India. The said suit being Title Suit No.
638 of 2019 is pending before the 3rd Court of the learned
Civil Judge (Senior Division) at Alipore, District : 24-
Parganas (South).

The defendant nos.1 and 2 have applied for
amendment of their written statement to lodge a counter
claim and to bring suitable amendments in the pleadings.

The learned Trial Judge by the order impugned dated
April 12, 2023 has allowed the said application.

The learned Trial Judge has committed serious error of law and fact in allowing the said amendment inasmuch as the original written statement of the said defendant nos.1 and 2 is yet to be accepted.

The order impugned is set aside.

The learned Trial Judge shall consider the said application for amendment of written statement, after acceptance of the original written statement of the said defendants in accordance with law.

C.O. 1891 of 2023 is disposed of with the above terms.

In view of disposal of the revisional application, the connected application thereto being IA No: CAN 1 of 2024 is also disposed of. There shall be no order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of the Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)