

19.06.2024
(D/L-17)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2077 of 2024

Khokan Chanda & Ors.

-Vs-

Swapn Kumar Mukherjee

Mr. Sandip Ghosh,
Mr. Debayan Ghosh,

... For the Petitioners.

The instant application under Article 227 of the constitution of India is at the instance of the defendants in a suit for recovery of possession and is directed against an order dated May14, 2024 passed by the Additional Court of learned Civil Judge (Junior Division), Sealdah in the said suit being Title Suit no. 1285 of 2018.

The learned Trial Judge by the order impugned has allowed an application for amendment of plaint.

Mr. Ghosh, learned Counsel for the petitioners submits that the amendment sought for, if allowed, would change the complexion of the suit altogether, besides, the plaintiff by the proposed amendment sought to incorporate averments in the plaint to throw a challenge to the deed of lease, on which the defence of the defendants in the suit is based on the allegation that the said deed was declared void in the earlier proceeding, but it was not so.

Heard Mr. Ghosh, perused the materials on record.

Whether the party applying for an amendment of pleadings would ultimately be able to prove the case sought to be made out is not a relevant consideration at the time of allowing or dismissing an application under Order VI Rule 17 of the Code of Civil Procedure.

The learned Trial Judge has considered the amendment sought for is necessary for effective disposal of the suit and has exercised his discretion to allow it.

This Court does not find any reason to interfere with the exercise of such discretion.

C.O. 2077 of 2024 dismissed with the above observations without any order as to costs; Time to file additional written statement is extended for a further period of two weeks from date.

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

(Biswajit Basu, J.)