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Ct. 19
03.07.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 2323 of 2024
Abbas Ali Molla, since deceased, represented by his
heirs and legal representatives, namely, Sayeeda
Bibi & Ors.
Vs.
Md. Yakub Molla & Ors.

Mr. Dhilon Sengupta,
Mr. Kajal Kr. Dutta,
Ms. Swarnaly Das,
Mr. Mahesh Joshi ... For the petitioners.

Mr. Gautam Banerjee,
Mr. Sandip Kr. Mondal,
Ms., R. Dey ... For the opposite party nos. 10-16.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for declaration, which is directed against order dated March 21, 2024 passed by the 3rd Court of learned Civil Judge, (Junior Division) at Alipore, District – 24 Parganas (South), in the said suit being Title Suit No. 199 of 2006.

The learned Trial Judge by the order impugned has allowed an application filed by the plaintiffs for amendment of the plaint holding inter alia that by the proposed amendment, the plaintiffs have sought to incorporate subsequent events.

The trial of the suit has not yet commenced. The learned Trial Judge has exercised his discretion to allow the amendment and there is nothing on record

to suggest that the said discretion has been exercised arbitrarily or capriciously.

This Court, therefore, does not find any reason to interfere with the order impugned, C.O. 2323 of 2024 is dismissed without any order as to costs.

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.)