

S/L 8
23.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2338 of 2024

Sri Rajib Kumar Sadhu & Anr.

Vs.

Smt. Smritikana Mukherjee

Mr. Noni Gopal Chakraborty .. 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 which is directed against Order No.15 dated May 7, 2024 passed by the 1st Court of learned Civil Judge (Junior Division), Chandernagore, Hooghly in the said suit being Title Suit No.67 of 2021.

The learned Trial Judge by the order impugned has allowed an application by the plaintiff for amendment of the plaint holding that such amendment is necessary for the proper adjudication of the suit.

Mr. Chakraborty, learned advocate for the petitioners submits that proposed amendment, if allowed, would change the nature and character of the suit.

On perusal of the application for amendment, particularly the schedule of amendment appended to the said application, it does not appear so.

The trial of the suit has not yet commenced, the learned Trial Judge felt that such amendment is necessary for the proper adjudication of the suit and accordingly has exercised his discretion in allowing the application for amendment.

This Court, therefore does not find any reason to interfere with the exercise of such discretion as it does not appear to have been exercised capriciously or arbitrarily.

CO 2338 of 2024 is therefore dismissed without any order as to costs.

Time to file additional written statement by the defendants, if not already filed, **is extended for a further period of 14 days from date.**

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

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

(Biswajit Basu, J.)