

S/L 20
10.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2388 of 2024

Sumitra Halder
Vs.
Shiba Prosad Baidya & Ors.

Mr. Jahar Lal Ray
Ms. Kavita Rani

...for the Petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant no.2 in a suit for declaration of title and injunction which is directed against the Order No.37 dated May 6, 2024 passed by the 3rd Court of learned Civil Judge (Junior Division), Baruipur, District 24 Parganas (South) in the said suit being Title Suit No.184 of 2018.

The learned Trial Judge by the order impugned has allowed an application for amendment filed by the plaintiffs holding, *inter alia*, such amendment is necessary for the proper adjudication of the suit.

Mr. Ray, learned advocate for the petitioner submits that the facts sought to be incorporated in the plaint by the proposed amendment is offending the provisions of West Bengal Estate Acquisition Act, 1956.

The trial of the suit has not yet commenced, whether the plaintiffs would ultimately able to prove the facts sought to be incorporated by way of amendment is no consideration in deciding an application under Order VI Rule 17 of the Code of Civil Procedure.

The order impugned therefore does not call for any interference.

CO 2388 of 2024 is dismissed without any order as to costs.

Time to file written statement 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.)