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19.07.2024

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

C.O. No. 2522 of 2024

**Mrs. Rukshana Jamil
Vs.
Md. Abid Ahmed & Anr.**

Mr. Amrita Lal Dhar ... For the petitioner.

The plaintiff in a suit for eviction of trespasser is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 52 dated April 18, 2024 passed by the XIIth Judge, City Civil Court at Calcutta, in the said suit being Title Suit No. 1102 of 2015.

The learned Trial Judge by the order impugned has allowed an application under Order VI Rule 17 of the Code of Civil Procedure filed by the defendants for amendment of their written statement.

The cross-examination of the plaintiff has been concluded, there is no explanation offered in the application for amendment as to why such amendment was not sought for before the commencement of the trial of the suit, the order impugned therefore is set aside.

This Court is informed that September 18, 2024 is the next date fixed in the suit for recording of evidence of the defendants.

The defendants must tender their evidence-in-chief on the said date and shall conclude the examination-in-chief within a period of two weeks thereafter, in default the evidence of the defendants shall stand closed.

C.O. 2522 of 2024 is thus disposed of with the above terms 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.)