

31.07.2024
(D/L-15)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2665 of 2024

Pranab Kumar Munshi

-Vs-

Amit Kumar Bandyopadhyay & Ors.

Mr. Sanat Kumar Roy,
Mr. Indranuj Dutta,
Ms. Benazir Sk

... For the Petitioner.

The defendant no.1 in a suit for declaration and injunction is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the Order No. 31 dated July 03, 2024 passed by the 1st Court of learned Civil Judge (Junior Division), Serampore, District: Hooghly, in the said suit being *Title Suit No. 278 of 2022*.

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 plaintiffs for amendment of the plaint.

Mr. Sanat Kumar Roy, learned advocate for the petitioner submits that by the proposed amendment the plaintiffs have sought to challenge the sanction plan of the building of the petitioner which is not permissible under the law.

Whether the party applying for amendment of pleadings would ultimately be able to prove the

facts sought to be incorporated in the pleadings by way of amendment is no consideration in deciding an application under Order VI Rule 17 of the Code.

The order impugned, therefore, does not call for any interference.

C.O. 2665 of 2024 is dismissed with the above observations without any order as to costs.

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 with all requisite formalities.

(Biswajit Basu, J.)