

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 2800 of 2024
(Assigned)

Monojit Poddar @ Monojit Podder
Vs.
Smt. Tapashi Saha & Anr.

Mr. Kaushik Chatterjee
Mr. Suparno Ghosh
... For the petitioner

Ms. Pampa Dey (Dhabal)
Mr. Biswarup Chatterjee
Mr. Debasis Samanta
... For the opposite parties

1. This revisional application has been filed assailing the order dated 20th February, 2024 passed in connection with Ejectment Suit No.152 of 2018 wherein the learned Civil Judge (Junior Division), 1st Court, Sealdah, District – 24-Parganas (South) allowing amendment for enhancement of valuation to the tune of Rs.96,000/- along with other changes under Order VI Rule 17 of the Code of Civil Procedure considering the formal nature of the prayer for amendment.

2. Learned counsel appearing on behalf of the petitioner has submitted that he has nothing to say about the enhancement of valuation of the suit from Rs.100/- to Rs.96,000/- but the amendment was allowed having no jurisdiction over the issue. It is further submitted that other changes by way of amendment cannot be allowed by

the learned Civil Judge (Junior Division) without having jurisdiction.

3. Per contra, learned counsel appearing on behalf of the opposite parties has submitted that the Ejectment Suit No.152 of 2018 has already been withdrawn on 16th May, 2024 and plaint was returned to the opposite parties to present before the appropriate forum.

4. Considering the trying situation, I find that the instant revisional application has become infructuous when there is no existence of the Ejectment Suit No.152 of 2018.

5. However, the petitioner/defendant is at liberty to canvass all his objections before the appropriate forum, i.e., learned Civil Judge (Senior Division), Sealdah where the suit has already been filed considering the pecuniary jurisdiction.

6. With the aforesaid observation, the revisional application, being CO 2800 of 2024, stands disposed of.

7. Interim order stands vacated.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)