

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

C.O. 2882 of 2024

**Milon Sekh
Vs.
Md. Rabiul Alam & Ors.**

Mr. Sukanta Chakraborty,
Mr. Anindya Halder ... For the petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 in a suit for permanent injunction, which is directed against the Order No. 64 dated July 18, 2024 passed by the 2nd Court of learned Civil Judge, (Junior Division) at Kandi, District – Murshidabad, in the said suit being Title Suit No. 40 of 2014.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner for amendment of the written statement holding *inter alia* that evidence from the side of the plaintiff is over and the suit is posted for recording the evidence of the defendants, at this stage the application for amendment cannot be allowed.

On perusal of the application for amendment it appears that only explanation offered is that due to typographical error the fact sought to be incorporated by way of amendment could not be included in the original written statement. The said explanation is not sufficient to get rid of the rigor of the proviso appended to Order VI Rule 17 of the Code Civil Procedure.

This Court therefore does not find any reason to interfere with the order impugned; C.O. 2882 of 2024 is dismissed 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.)