

21.08.2024
Item No.9,
DL, Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2957 of 2024

Sri Raja Mitra & Ors.

-Vs-

Sri Bimal Dey & Ors.

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal.

.....for the petitioners.

Mr. Narayan Chandra Ghosh.

.....for the opposite parties.

The instant application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for declaration and is directed against order dated April 26, 2024 passed by the 2nd Additional Court of the learned Civil Judge (Junior Division), at Alipore, District: 24-Parganas (South) in the said suit being *Title Suit No. 35 of 2021*.

The learned Trial Judge by the order impugned has allowed an application for amendment of the plaint.

It appears from the record that the subject matter of challenge in the suit is the notice whereby the membership of the plaintiff in Eastern India Motion Picture Directors' Association has been cancelled.

The said Association, during the pendency of the suit, vide notice dated December 21, 2020 has declared election of its office-bearers for the year 2021-22.

The plaintiff by the proposed amendment has sought to throw a challenge to the said notice, such challenge is beyond the scope of the suit, the learned Trial Judge therefore, has acted with material irregularity in allowing the said application for amendment.

The order impugned, therefore is set aside, consequently, the application for amendment of the plaint filed by the plaintiff is dismissed.

C.O. 2957 of 2024 is thus allowed without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)