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*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3025 of 2024

**Shri Narayan Chandra Saha
Vs.
Shri Radhika Ranjan Dutta**

Ms. Debjani Ghosal ... For the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction, which is directed against the order dated April 20, 2024 passed by the 1st Court of learned Civil Judge, (Junior Division) at Chinsurah, District: Hooghly, in the said suit being *Title Suit No. 128 of 2007*.

The learned Trial Judge by the order impugned has allowed an application under Order VI Rule 17 of the Code of Civil Procedure thereby permitting the plaintiff to correct the description of the suit property.

Learned advocate for the petitioner submits that the trial of the suit has commenced but the application for amendment does not disclose as to why such amendment could not be prayed for earlier as the absence of such explanation offends the requirement of the proviso appended to under Order VI Rule 17 of the Code of Civil Procedure; therefore, according to her, learned Trial Judge has acted with material irregularity in allowing the said application.

The learned Trial Judge, considering the nature of the suit felt it necessary to allow the prayer of the plaintiff for amendment of the description of the suit property and in exercise of his discretion, has allowed it; exercise of such discretion does not appear to be arbitrary or capricious, particularly when the error in the description of the suit property can be corrected even at the stage of execution.

The order impugned therefore does not call for any interference.

C.O. 3025 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.)