

03.09.2024
Item No.7 DL
Ct.19
A.J.

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

C.O. 3053 of 2024

Raghav Kajaria

-Vs-

Indranil Ghosh & Ors.

Mr. Probal Kumar Mukherjee,
Senior Advocate,
Mr. Partha Pratim Roy,
Mr. Sarvapriya Mukherjee,
Mr. Amit Kumar Nag,
Mr. Partha Banerjee,
Ms. Pritha Bhowmik,
Mr. M. Roy.

.....for the petitioner.

Mr. Moinak Bose,
Ms. Shreya Singh,
Mr. Aniket Nanda,
Mr. Labeeb Faaeq.

.....for the opposite party no1.

This is an application under Article 227 of the
Constitution of India.

The order dated July 18, 2024 passed by the 1st Court
of the learned Civil Judge (Senior Division) at Alipore, District
: 24-Parganas (South) in connection with *Title Suit No. 1189 of
2018* is under challenge.

The petitioner is the plaintiff of the connected suit.

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

Mr. Bose, learned Counsel for the defendant no.1, the
opposite party no.1 herein submits that the prayer '7c'
contradicts the original pleadings of the plaint, therefore
cannot be allowed.

The plaintiff, by the proposed amendment, has
intended to incorporate some additional prayers and the prayer

‘7c’ is consequential to the main relief prayed for in the suit, whether the plaintiff would ultimately be able to prove the facts sought to be incorporated by way of amendment is no consideration in allowing or dismissing the application for amendment.

The suit is at the pre-trial stage, in view of the nature of the amendment sought for, the learned Trial Judge is not justified in dismissing the said application.

The order impugned, for the aforesaid reason, is set aside. The application for amendment of the plaint of the connected suit is allowed.

The plaintiff is required to file the amended plaint within a period of two weeks from date, the defendants are at liberty to file additional written statement within a period of two weeks from the date of service of the copy of the said amended plaint.

C.O.3053 of 2024 is disposed of with the above observations without any order as to costs.

The learned Trial Judge is requested to expedite the disposal of the suit.

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

(Biswajit Basu, J.)