

10.09.2024
Item No.16 DL
Ct.19
A.J.

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

C.O. 3126 of 2024

Sri Pritam Kundu & Anr.

-Vs-

Smt. Tapati Mukherjee

Mr. Partha Pratim Roy (V.C.),
Mr. Soumyadeb Sinha,
Mr. Abhishek Roy.for the petitioners.

The plaintiff nos.1 and 2 in a suit for partition are the petitioners of the instant application under Article 227 of the Constitution of India.

The said suit being Title Suit No.702 of 2018 is pending before the 10th Court of the learned Civil Judge (Senior Division) at Alipore, District : 24-Parganas (South).

The learned Trial Judge by the order dated July 04, 2024 has allowed the application filed by the defendant for amendment of the written statement.

The defendant in the written statement, has alleged that she has spent some money to maintain the joint property, and has detailed her such expenses in a schedule appended to the written statement. The said defendant by the proposed amendment, has incorporated more details of her such expenditure in the said schedule.

Mr. Roy, learned advocate for the petitioners submits that in the absence of any counter-claim,

the defendant is not entitled to any relief of refund of the expenses allegedly incurred by her in maintaining the joint property, therefore, according to him, the amendment sought for, is absolutely irrelevant.

Heard Mr. Roy and perused the materials-on-record.

In a suit for partition, the expenses allegedly incurred by a co-sharer to maintain the joint property is a relevant consideration at the stage of final decree proceeding, therefore, the details of such expenses need to be brought on record.

The order impugned, for the aforesaid reason, does not call for any interference.

C.O. 3126 of 2024 is disposed of with the above observations 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.)