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Ct. 19
11.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3170 of 2024

Shantipada Maity

Vs.

Kanailal Das & Ors.

Mr. Sounak Bhattacharya,
Mr. Lal Ratan Mondal,
Mr. Sounak Mandal ... For the petitioner.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das,
Mr. Tapas Chatterjee ... For the O.P. Nos. 1 & 2.

The plaintiff in a suit for declaration of his share in the undivided property is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 207, dated July 29, 2024 passed by the 2nd Additional Court of learned Civil Judge, (Junior Division) at Contai, District – Purba Medinipur, in the said suit being Title Suit No. 12 of 2013.

At the stage of argument, the petitioner had filed an application for amendment of the plaint.

The learned Trial Judge by the order impugned has dismissed the said application.

The petitioner, by the proposed amendment, has sought to incorporate averments in the plaint disputing the veracity of his alleged L.T.I. in the Title Deed through which the defendants are tracing their title over the suit property.

The said Deed, at the instance of the petitioner, was sent to the Questioned Document Examination Bureau, C.I.D., West Bengal to verify the genuineness of the alleged signature of the petitioner appearing in it. The said

authority has completed its drill in this regard and has filed a report, which is lying with the record.

In view of the existence such a report in the record, particularly, in view of the stage of the suit, the learned Trial Judge has rightly dismissed the said application for amendment.

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

C.O. 3170 of 2024 is therefore dismissed without any order as to costs.

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

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.)