

Item **06.11.**
No. **2024**
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 3221 of 2022

Kolay Properties Pvt. Ltd.
Vs
Ramendralal Sarkar

Mr. Sibnath Ganguly,
Mr. Argha Banrjee.

... For the petitioner.

1. Affidavit of service is filed pursuant to the order dated 14.12.2023 and the same be kept with the record.
2. None appears on behalf of the opposite party.
3. This revisional application has been filed assailing the order dated 11th August, 2022 passed in Ejectment Suit No. 07 of 2021 by the learned Civil Judge (Junior Division), Sealdah on the ground that amendment of name of the police station in the schedule to the plaint cannot be considered on the ground that eviction notice was served upon the defendant in the address with police station Narkeldanga instead of Belegkata.
4. Mr. Sibnath Ganguly, learned counsel appearing on behalf of the petitioner has submitted that the address of the suit premises is 121/A Kabi Sukanta Sarani, Kolkata 700085 but police station is

mistakenly depicted as Narkeldanga instead of Belegkata.

5. Having heard the learned counsel appearing on behalf of the petitioner and also after going through the documents annexed with the instant revisional application, I find that the learned Trial Judge ignored the house/holding number of the suit premises and concentrated only on the police station.
6. Given facts and circumstances, I am of the humble opinion that mistakenly describing police station does not make any difference unless the holding number is not changed.
7. On the contrary, if such correction is not allowed then a decree which has already been passed by the learned Trial Judge will become a decree on paper only and whereby decree-holder will be deprived of enjoying the fruits of litigation.
8. In the aforesaid view of the matter, the order impugned stands set aside.
9. The amendment application under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure dated 10th August, 2022 as sought for by the petitioner stands allowed.
10. Petitioner is directed to file amended plaint before the Trial Court within fifteen days from the date of this order.

11. Learned counsel appearing on behalf of the petitioner is at liberty to communicate this order to the learned Trial Court.
12. With the aforesaid observation, the revisional application stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)