

23.09.2024
Item No.35 DL
Ct.19
A.J.

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

C.O. 3390 of 2024

Swapan Kumar Ghosh & Anr.

-Vs-

Narayan Bouri

Mr. Amitava Mukherjee,
Ms. Arpita Saha.
.....for the petitioners.

The plaintiffs in a suit for eviction of a licensee are the petitioners of the instant application under Article 227 of the Constitution of India.

The said suit being Title Suit No. 60 of 2016 is pending before the 2nd Court of the learned Civil Judge (Junior Division) at Asansol, District : Paschim Bardhaman

The learned Trial Judge by the order impugned being Order No. 43 dated July 23, 2024 has dismissed an application filed by the petitioners for amendment of the plaint at the stage of cross-examination of P.W.₁.

The plaintiffs are seeking eviction of the defendant from the suit property on the strength of their title, at paragraph '2' of the plaint, the acquisition of such title has been clearly averred, therefore the amendment sought for, is completely unnecessary.

This Court though does not approve of the observations made by the learned Trial Judge in the order impugned but the conclusion being correct, is not inclined to interfere with it.

The learned Trial Judge is requested to expedite the disposal of the suit and in doing so shall not entertain the prayer of the parties for any unnecessary adjournment.

C.O. 3390 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.)