

**Item No. 77**  
**06.11. 2024**  
**rup**  
**Ct 22**

IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**C.O. 3405 of 2022**

**Smt Jayshree Roy Chowdhury**  
**Vs**  
**Smt Shefali Karmakar**

Mrs. Shohini Chakraborty,  
Ms. Prajaaini Das .... For the petitioner.

Mr. Amit Chaudhury. .... For the opposite party.

1. This revisional application has been filed assailing the order dated 16<sup>th</sup> August, 2022 passed in Ejectment Suit No. 361 of 2016 by the learned Judge, Bench-II, Presidency Small Causes Court, Calcutta, wherein learned Judge rejected the prayer for amendment under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, praying for amendment of schedule to the plaint as well as on the issue of requirement, as this suit was filed with a prayer for eviction on the ground of reasonable requirement.
2. Learned Trial Judge refused the amendment application only on the ground that application was filed with a view to fill up the lacuna after filing of the Commissioner's report.
3. On the contrary, Mrs. Shohini Chakraborty, learned counsel appearing on behalf of the petitioner has

drawn my attention to the provision under Order VI Rule 17 of the Code of Civil Procedure and submitted that there is no averment in the amendment application regarding the fact that proposed amendment was not within their knowledge at the time of filing of the suit. She also harped on the string of submission of Commissioner's report. It is not disputed that there is a suit for eviction on the ground of reasonable requirement filed by the plaintiff/petitioner herein against the defendant/opposite party herein.

4. After framing of issue and submission of Commissioner's report, amendment application was filed under Order VI Rule 17 of the Code of Civil Procedure with a prayer for incorporating the actual position of the kitchen mentioned to the schedule to the plaint by describing a separate boundary and that apart prayer was made for incorporating the subsequent events due to expansion of requirement.
5. In a suit for eviction on the ground of reasonable requirement, the entire requirement in terms of family members have to be pleaded before the Court for just decision of the case and schedule of the suit property also has to be described in the plaint properly.
6. In this case, there was a mistake in describing the

particular position of the kitchen with a specific boundary in the ground floor and that amendment, in my opinion, does not make any difference to the schedule to the plaint.

7. That apart, subsequent expansion of requirement is surely required to be incorporated in the suit for just decision by the Court. That apart, the Commissioner's report was submitted with respect to the accommodation available to the parties to the suit and proposed amendment does not make any contrary view of the Commissioner's report regarding suit premises mentioned in the schedule to the plaint.
8. Considering the facts and circumstances, I find that learned Judge ought to have considered the amendment application for just decision of the suit.
9. Thus, the order impugned in this revisional application stands set aside.
10. Amendment applications filed by the plaintiff/petitioner herein dated 10.07.2019 stands allowed.
11. Petitioner/plaintiff is directed to file amended plaint before the Trial Court within fifteen days from the date and the learned Trial Judge is requested to dispose of the suit as expeditiously as possible.
12. Liberty is also given to the defendant to file additional written statement, if any, before the Trial

Court.

13. Learned counsel appearing on behalf of the parties to this revisional applicaiton is at liberty to communicate this order to the learned Trial Court.
14. With the aforesaid observation, the revisional application stands disposed of.
15. Interim order, if any, stands vacated.
16. Connected applications, if there be any, also stand disposed of accordingly.
17. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
18. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

***(Bibhas Ranjan De, J.)***