

19.03.2024
Sl. No.47(DL)
srm

C.O. No. 4098 of 2023
Subal Chandra Pramanik & Ors.
Versus
Nishikanta Pramanik & Ors.

Mr. Sandip Das

...for the Petitioners.

Supplementary affidavit filed by the petitioners is taken on record.

The revisional application arises out of an order dated October 6, 2023 passed by the learned Civil Judge (Senior Division), Diamond Harbour, South 24-Parganas, in Title Suit No.133 of 2009.

By the order impugned, the learned court allowed filing of an additional written statement for incorporation of one pleading, i.e. the suit was barred under Section 44 of the Transfer of Property Act.

On perusal of the written statement and the additional written statement, this Court does not find that any self-destructive plea was taken by the defendants or that there was any withdrawal of any admission. Only issue is that the same was belated. However, as the additional written statement was

found not to change the nature and character of the suit or the pleadings, the learned court allowed the same upon granting liberty to the PW1 for adducing further evidence.

Under such circumstances, the petitioners being the plaintiffs have also been granted liberty to lead further evidence on the additional written statement, which has been filed and as such this Court does not find that any prejudice has been caused to the plaintiffs.

The order impugned is not interfered with.

The learned court shall make endeavour to dispose of the suit within the next six months.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)