

19.02.2024
Ct. No. 19
Sl. No.08
Cp

C.O. No. 3917 of 2022

Maharani Mondal
Vs.
M/s. Chintan Projects Private Limited

Mr. Sohan Lal Adak
..... for the Petitioner.
Mr. Pallav Choudhury
Mr. Naresh Balodia
.....for the opposite party.

This revisional application has been filed challenging an order dated November 29, 2022, passed by the learned Civil Judge (Senior Division), 4th Court, Alipore in Title Suit No. 2695 of 2015.

By the order impugned, the learned court rejected an application filed by the defendant for amendment of the written statement, on the misconception that such application was filed by the plaintiff, after completion of the evidence of PW-1. The entire matter had been proceeded with by the learned court, as if the plaintiff had asked for the amendment. The fact remains that the amendment had been prayed for by the defendant in the suit. The court had considered the nature of the suit and the facts to be incorporated in the 'plaint' and held that the documents sought to be incorporated might change the nature and character of the suit.

This court is of the view that the order impugned should be set aside solely on the ground that the learned

court was confused with the facts and law, while passing the order impugned. The order impugned is set aside.

The application for amendment shall be heard afresh, on all points and in accordance with the settled principles relating to amendment of pleadings and amendment of the written statements.

The learned court shall hear the application for amendment upon contest and dispose of the same within a month from the next date fixed.

The revisional application is accordingly disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)