

S/L 5
02.05.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 210 of 2025

[Assigned]

Sri Sri Rameshwar Shib Thakur Deity represented by Smt.
Bhabani Das

Vs.

Sri Swapan Majumdar & Ors.

Mr. Saptangsu Basu, Sr. Adv.

Mr. Animesh Das

Mr. Debayan Roy

...for the Petitioner.

Mr. Debjit Mukherjee

...for the Opposite Parties.

The plaintiff in a suit for declaration of status of the suit property is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the order dated September 30, 2024 passed by the 3rd Court of learned Civil Judge (Junior Division) at Howrah in the said suit being *Title Suit No. 57 of 2007*.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner praying amendment of the plaint on the ground of limitation.

The petitioner by the proposed amendment has sought to incorporate the fact regarding his alleged dispossession from the suit property and to incorporate a new prayer for recovery of possession.

It appears from the application for amendment that the petitioner though has alleged dispossession but was silent about the time when such dispossession occurred. The trial of the suit since has commenced, in terms of the mandate of the proviso appended to Order VI Rule 17 of the Code of Civil Procedure, the petitioner is obliged to offer explanation as to why such amendment could not be prayed for earlier. There is no such explanation in the application for amendment; therefore, the order impugned does not call for any interference.

CO 210 of 2025 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)