

Court No. 6
(265719)

01.07.2025
(AD 342)
(S. Banerjee)

CO 316 of 2025

Manju Maiti @ Manjurani Maiti
Vs.
Keshab Chandra Maity

Mr. Soumya Banerjee
Ms. Monalisa Das
Ms. Sucheta Banerjee

...for the petitioner

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das

...for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against order no. 75 dated December 20, 2024 passed by the learned Civil Judge (Jr. Division) 1st Court, Contai, Purba Medinipur in Title Suit No. 217 of 2014. By the order impugned the application under Order 6 Rule 17 of the Civil Procedure Code for amendment of the plaint stood rejected.

Learned advocate appearing for the petitioner submits that the petitioner sought to disclose certain deeds by way of amendment. He further submits that the proposed amendments are necessary for the purpose of deciding the real controversies between the parties.

Heard Mr. Mukherjee learned advocate appearing for the opposite party on such submission. He submits that on previous occasion the application for amendment of plaint was allowed but the plaintiff failed to comply with the previous orders of the court. He submits that the application for amendment was filed after the commencement of trial without any explanation as to why the same could not be filed prior to commencement of trial.

Record reveals that the plaintiff adduced two witnesses on his behalf and the plaintiff's witness were discharged on May 6, 2022. Thereafter, the suit was fixed for evidence of the defendant's witness. The defendant filed their affidavit-in-chief as DW-1 on September 1, 2023. Thereafter, the plaintiff/petitioner herein filed one application under Order 6 Rule 17 of the Civil Procedure Code which was heard and allowed on the same day and February 21, 2024 was fixed for filing of the amended plant. The learned trial judge recorded that the plaintiff failed to comply with the order passed by way of filing an amended plaint on February 21, 2024, May 7, 2024 and the case was fixed for filing amended plaint as special chance on June 11, 2024.

The petitioner filed a fresh application for amendment of plaint.

It is not in dispute that the application for amendment of the plaint was filed after the commencement of trial.

The petitioner in the said application has not explained as to why the application for amendment of plaint could not be filed prior to the commencement of trial. The learned trial judge was right in holding that there is lack of due diligence on the part of the plaintiff in filing the application for amendment of plaint. That apart, the petitioner could not demonstrate as to how the proposed amendments are necessary for the purpose of deciding the real controversy between the parties.

For such reasons, this court is not inclined to interfere with the order impugned.

Accordingly, CO 316 of 2025 stands dismissed. However, there shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)