

Court No. 6
(265719)

18.09.2025
(A 362)
(S. Banerjee)

CO 320 of 2025

Sri Bishnu Shankar Chakraborty & Anr.
Vs.
Sri Subhra Chakraborty & Ors.

Mr. Suranjan Mandal
Ms. Mousumi Biswas

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant against order dated December 29, 2024 passed by the learned Civil Judge (Jr. Division), Tehatta in Title Suit No. 83 of 2022. By the order impugned, the application under Order 6 Rule 17 of the Civil Procedure Code praying for amendment of the written statement stood rejected.

Learned advocate appearing for the petitioners submits that the petitioner filed an application for amendment of written statement in order to incorporate the fact that during the pendency of the suit, the plaintiff executed a special power of attorney in favour of the defendant no. 1.

However, after going through the schedule of the proposed amendment this court finds that the special power of attorney is alleged to have been executed by

the plaintiff in favour of the defendant no. 1 in respect of some non-suit plots.

Since the power of attorney relates to non-suit plots, such fact is not necessary for the purpose of deciding the real controversy between the parties in the suit.

The learned trial judge was right in rejecting the application for amendment of the written statement.

Accordingly, CO 320 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)