

D/L- 4
12/08/2025
Ct. No.-6
Aritra

C.O. 324 of 2025

**Sukanta Biswas
Vs.
Ashalata Sarkar & Ors.
With
CAN 1 of 2025**

Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty

....for the petitioner

In Re: CAN 1 of 2025

This application has been filed for expeditious hearing of the civil revision application by recalling the order dated July 28, 2025.

After hearing Mr. Sanyal, learned advocate for the petitioner and upon going through the averments made in the application this Court is inclined to allow the prayer of the petitioner for taking up the civil revision application for hearing.

Accordingly, CAN 1 of 2025 stands disposed of.

In Re: CO 324 of 2025

The civil revision application is taken up for immediate consideration.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff No.2 (b) and is directed against an order being No.74 dated September 9, 2024 passed by the learned Civil Judge (Jr. Div.) at Tehatta, District-Nadia in Title Suit No.16 of 2015.

By the order impugned the application under Order 6 rule 17 of the Code of Civil Procedure filed by the plaintiff praying for amendment of the plaint and an application under Order 1 Rule 10(2) of the Code of Civil Procedure for impleading the Block Land & Land Reforms Officer Tehatta-I as pro-forma defendant No.6 stood rejected.

Mr. Sanyal, learned advocate appearing for the petitioner submits that the opposite parties in their written statement have stated that L.R. Plot No.1791 and 1792 are required to be identified by way of investigation as all the plots are coming from plot No.1639. He therefore, submits that the schedule of the plaint is required to be amended as sought for under paragraph 7 and 8 of the schedule of the application for amendment of plaint. He further submits that the petitioner sought to incorporate certain facts which were left out through inadvertence at the time of drafting of the plaint. He submits that R.S. Plot No.1639 has been bifurcated into three plots being L.R. Plot Nos.1791, 1792 and 1793 in the L.R. Record of Rights and in order to prove such fact the Block Land & Land Reforms Officer is a necessary party in the instant suit. He further submits that in the L.R. Record of Rights the suit property has been erroneously recorded and for such reason the Block Land & Land Reforms Officer should be added as a party defendant in the instant suit.

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

After going through the schedule of amendment, this Court finds that the petitioner sought to delete the paragraphs 2, 3 and 5 of the plaint by way of amendment. It is well-settled that admissions cannot be withdrawn by way of amendment though the same can be explained. But the petitioner in the instant case has sought to delete the statements made in the aforesaid paragraphs and it is not a case of explaining the admission.

Mr. Sanyal would contend that R.S. Plot No.1639 has been bifurcated into L.R. Plot No.1791, 1792 and 1793. However, the proposed amendment does not disclose the foundational fact for such amendment.

After going through the schedule of amendment, this Court is of the considered view that the proposed amendments are not necessary for the purpose of deciding real controversies between the parties. The learned trial judge also noted that in the cross-examination the P.W.1 has categorically denied the claim over plot No.1791. The learned trial judge was right in holding that if the proposed amendment is allowed the same would cause prejudice to the defendant.

Merely because of the fact that it has been alleged that the suit property has been erroneously recorded in

the Record of Rights, the Block Land & Land Reforms Officer cannot be said to be a necessary party in a suit for eviction and for recovery of possession in between the private parties.

The learned trial judge was right in holding that there is no necessity to implead the Block Land & Land Reforms Officer in a suit of such nature.

In view of the aforesaid discussion, this Court is not inclined to interfere with the order impugned.

Accordingly, CO 324 of 2025 stands dismissed.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)