

D/L- 10
17/02/2025
Ct. No.-6
Aritra

C.O. 509 of 2025

**Ranjit Seth & Anr.
Versus
Sumitra Paul**

Mr. Falguni Bandyopadhyay
Mr. Amit Das
Ms. Riya Ballav
...for the petitioners

This is an application under Article 227 of the Constitution of India at the instance of the defendants and is directed against an order being No.58 dated January 6, 2025 passed by the learned Civil Judge (Jr. Divn.), 1st Court, Chandernagore, Hooghly in Title Suit No.270 of 2021. By the order impugned the application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the written statement stood rejected. Learned advocate for the petitioner draws attention of this Court to the schedule of the written statement. It is not in dispute that the application for amendment of written statement was filed after the commencement of trial.

Proviso to Order 6 Rule 17 states that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence the party

could not have raised the matter before the commencement of trial.

The petitioner could not satisfy this Court that in spite of due diligence the application for amendment of the written statement could not be filed prior to the commencement of trial.

That apart after going through the schedule of amendment this Court finds that the defendant is trying to take a new line of defence that the rent receipts was issued giving wrong holding numbers. It is well settled that the amendment in order to change line of defence cannot be allowed.

This Court is, therefore, not inclined to interfere with the order impugned rejecting the application for amendment of written statement.

In view thereof CO 509 of 2025 stands disposed of accordingly.

It is however made clear that all observations made herein before are only for the purpose of disposal of this application under Article 227 of the Constitution of India.

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.)