

**Item 16.01.
No. 2025
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**Ct
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 671 of 2023

**Sk Mahammad Hasanujjaman & Anr.
Vs
Sk Siraj Ali & Anr.**

Mr. Gouranga Kumar Das,
Ms. Poulami Dutta.

... for the petitioners.

1. Affidavit of service filed in court today on behalf of the petitioners be kept with the record.
2. It appears that service has been effected but none appears on behalf of the opposite parties.
3. The instant revisional application has been filed assailing the Order No. 16 dated 08.03.2021 passed in connection with Title Suit No. 453 of 2017, wherein Learned Civil Judge, (Junior Division) Kakdwip, South 24 Parganas rejected the application seeking relief to file additional written statement under Order 8 Rule 9 of the Code of Civil Procedure holding, inter alia, that the contents of the additional written statement has already been described in paragraphs 13, 15 and 16 of the written statement filed by the defendant Nos. 1 and 2/petitioners herein.

4. Learned counsel appearing on behalf of the petitioners has submitted that the contents of the additional written statement shall not cause prejudice to any of the parties and it is further submitted that petitioners/defendants want to incorporate the facts through which proceeding the record was published.
5. On this contention, learned Trial Court rightly recorded its finding that contents of the additional written statement in the matter of evidence is to be accepted at the time of trial as all the claims of the defendants regarding the process of acquiring land and publication of record of rights are depicted in paragraphs 13, 15 and 16 of the written statement.
6. On perusal of the written statement already filed before the Court, I am in agreement with the learned Trial Judge that the contents of the proposed additional written statement is a matter of evidence and can be produced at the time of trial.
7. As a sequel, I do not find any reason to interfere with the order impugned.
8. However, petitioners are at liberty to adduce evidence in this regard in terms of their claim delineated in the written statement already filed in the court.
9. Learned Trial Judge is requested to dispose of the

Suit, which is pending since 2017 as expeditiously as possible.

10. With this observation, the revisional application stands disposed of.

11. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court

(Bibhas Ranjan De, J.)