

D/L- 8
10/03/2025
Ct. No.-6
Aritra

C.O. 784 of 2025

**Sk. Ali Hossain
Versus
Lakhi Bibi & Ors.**

Mr. Kaushik Dey
Mr. Debdipto Banerjee
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration and recovery of khas possession and is directed against an order being No.113 dated January 20, 2025 passed by the learned Civil Judge (Sr. Div.), Bishnupur, District-Bankura in Title Suit No.54 of 2014.

By the order impugned the application filed under Order 6 Rule 17 of the Code of Civil Procedure by the petitioner herein praying for amendment of the plaint stood rejected.

Mr. Dey, learned advocate appearing for the petitioner submits that the proposed amendments are necessary for the purpose of deciding the real controversy between the parties. He further submits that by way of proposed amendment the petitioner herein seeks to elaborate the case already made in the plaint.

It is not in dispute that the application for amendment of plaint was filed on the date which was fixed for argument. The reasons for filing the application for amendment of the plaint at such a belated stage is only

that the learned Senior advocate advised the petitioner to file the application for amendment.

After going through the schedule of amendment this Court finds that the petitioner sought to challenge two deeds of sale both dated August 21, 2001. After going through the schedule of the amendment this Court finds that it has been stated therein that the defendants got the said deeds executed by the petitioner herein by threatening the petitioner and by using force.

It is, therefore, evident that the petitioner had knowledge of the said deeds all throughout starting from date of its execution and sought to amend the plaint after conclusion of evidence.

In view thereof this Court is not inclined to allow the application for amendment of plaint at such a belated stage.

For such reasons CO 784 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.)