

D/L- 1
22/09/2025
Ct. No.-6
Aritra

C.O. 791 of 2025

**Sandip Roy & Ors.
Versus
Sikha Saha & Ors.**

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Soumava Santra

....for the petitioners

Mr. Anujit Mookherji
Mr. Prithish Chandra

....for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order being No.26 dated February 5, 2025 passed by the learned Civil Judge (Jr. Div.), 1st Court at Sealdah in Title Suit No.236 of 2022.

By the order impugned the application filed by the petitioner praying for amendment of the injunction application stood rejected.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner filed an application for amendment of the plaint which stood rejected by an order No.29 dated July 31, 2025. He submits that challenging such order he preferred a civil revision application being C.O. No.3482 of 2025 which was allowed by an order dated September 18, 2025 thereby allowing the prayer of the plaintiffs praying for amendment of the plaint. Mr. Mukherjee further submits that similar

amendment was sought for in the injunction application which stood rejected by the order impugned.

Heard the learned advocate for the opposite party on such submission.

After going through the application for amendment of the injunction application as well as the application for amendment of plaint, this Court finds that the amendment sought for were more or less similar and identical. Since this Court by an order dated September 18, 2025 allowed the prayer for amendment of the plaint, this Court is inclined to allow the prayer for amendment of the injunction application as the amendment sought for are more or less identical.

In view thereof, the impugned order is set aside. The application for amendment of the injunction application stands allowed.

CO 791 of 2025 stands allowed.

The petitioner is directed to file an amended injunction application before the learned trial judge in accordance with law.

At this stage, the learned advocate for the opposite party submits that in view of allowing the application for amendment of plaint the suit after amendment would oust the pecuniary jurisdiction of the learned trial judge and the plaint has to be returned.

It will be open to the learned trial judge to take appropriate steps in accordance with law.

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.)