

**14.11.2025**

Court No.6  
D/L No.4  
S. Gayen

**IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**CO 831 of 2025**

**Debendra Nath Mondal  
Versus  
Bama Charan Mondal & Ors.**

Mr. Lutful Haque  
Mr. Fazle Rabi  
Ms. Taharima Khatun

...for the Petitioner

1. The petitioner has challenged an order dated December 4, 2024 passed by the learned District Judge, Birbhum. By the order impugned, the learned Court allowed the amendment to the application for grant of letters of administration filed by the opposite party No.1. According to the learned Court, the amendments were formal in nature and did not change the nature and character of the proceeding. It is an admitted fact that the amendment was sought for at the very initial stage of the proceeding.
2. Learned advocate for the petitioner who is defendant No.6 in the suit, submits that the application for grant of letters of administration was sought to be completely changed by introduction of a new set of fact which were totally alien to the original application. The learned Court did not apply his mind to such fact and wrongly

held that the amendment sought for would not change the nature and character of the original petition.

3. Heard Mr. Haque. Perused the records. Paragraph 1 of the original application is quoted below:

*“1) That Jogindra Nath Mondal while residing permanently at Vill- Hatinagar, P.O.- Kotasur under Police Station Mayureswar within the Jurisdiction of this Ld. Court who died on 29.09.2003 leaving his own residential house and executed a un-Registry “WILL” infavour of the petitioner’s father Late Ananda Gopal Mondal on 25.04.2003.”*

4. By way of amendment and elaboration of paragraph 1 was sought for after the above paragraph as follows:-

*“Be it noted here that Vill-Hatinagar, P.O. Kotasur, P.S. Mayreswar, District- Birbhum, was the fixed place of abode of deceased testator Jogindra Nath Mondal at the time of his death and said deceased executed the will by putting his sitnatures in presence of attesting witnesses on 25/4/03 after fully knowing and understanding its contents and consequences and said testator and witnesses saw each other to put their respective signatures in the said will. Be it further noted here that in that will the testator appointed father of this petitioner as Executor of will.”*

5. In paragraph 2 of the original petition, the particulars of the property were sought to be incorporated as a schedule, which was missed out. It was stated as follows:-

*“Be it noted here that the properties left by deceased testator and mentioned in the will are described in Schedule- ‘A’ below and expenses of funeral and sradh ceremony, which by law would be deducted, are described in Scheduled- B below.”*

6. The details of the schedule and the verification by the witness etc. were sought to be added.
7. I do not find any illegality or irregularity in the order impugned. Amendment of the petition does not change the cause of action. Additional facts have been brought on record which were missed out. Certain corrections were made. The order impugned does not suffer from any irregularity. There are no inconsistencies. The opposite party No.1 had not tried to retract from any admission made in the original application. By the amendment certain defects were cured and elaboration was made.
8. Under such circumstances, the amendment was allowed. The order is upheld. The amended application shall be filed as per order of the learned trial Court, if not already filed. The additional written statement shall be filed within the date to be fixed by the learned Court below, upon receiving a server copy of this order.
9. Accordingly, the revisional application being CO 831 of 2025 stands dismissed.

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

***(Shampa Sarkar, J.)***