

Court No. 6
(265719)

21.03.2025
(AD 12)
(S. Banerjee)

CO 869 of 2025

Hamidul Molla
Vs.
Nowrej Ali Molla & Ors.

Mr. Rabindra Kumar Mitra
Mr. Sourjya Das
Ms. Poulami Bhowmick

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated December 4, 2024 passed by the learned Civil Judge (Jr. Division), Basirhat in Title Suit No. 16 of 2015. By the order impugned the application under Order 6 Rule 17 of the Code of Civil Procedure filed by the petitioner herein praying for amendment of the plaint, stood rejected.

It has been submitted by the learned advocate for the petitioner that the petitioner claims title by way of inheritance through his grandmother.

Since the defendants were creating disturbances in the peaceful possession of the suit property, the petitioner filed the instant suit for declaration of title and for permanent injunction. After entering

appearance in the suit the defendants filed written statement disclosing that they have purchased the property by virtue of several deeds from the grandmother of the petitioner namely, Surutunessa Bibi.

Thereafter the petitioner has preferred this instant application seeking to amend the plaint by way of challenging the deeds by virtue of which the defendants are claiming title.

After going through the application for amendment of plaint, this Court finds that the deeds were executed in between 1952 and 1960.

After going through the schedule of amendment this Court finds that the petitioner has sought to make out a new case and the amendments sought for to challenge the deeds, are clearly barred by the laws of limitation. It is well settled that a time-barred claim cannot be allowed to be incorporated by way of amendment.

For the reasons stated above, this Court is not inclined to interfere with the order impugned. Accordingly, CO 869 of 2025 stands dismissed without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)