

Court No. 6
(265719)

24.03.2025
(AD 29)
(S. Banerjee)

CO 967 of 2025

Keshablal Das & Ors.
Vs.
Srimanta Pal & Ors.

Ms. Priyanka Jana
Mr. Bikramjit Mondal
Mr. Chayan Bhattacharyya
...for the petitioners

Mr. Palash Bapari
...for the opposite party nos. 1 to 3

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. 41 dated February 18, passed by the learned Civil Judge (Jr. Division), 3rd Court at Purba Bardhaman in Title Suit No. 598 of 2022. By the order impugned the application under Order 6 rule 17 of the Code of Civil Procedure stood rejected.

The petitioners herein filed a suit for declaration of title in respect of the suit property and for permanent injunction. In such a suit the petitioners have filed an application under Order 6 Rule 17 of the Code praying for amendment of plaint. Learned advocate for the petitioners submits that the

proposed amendments are necessary for the purpose of deciding the real controversy between the parties.

By way of amendment the petitioners sought to incorporate the fact that the father during his lifetime did not transfer or alienate any portion of the suit property either by executing a sale deed or by gift deed or by way of mortgage. The petitioners sought to challenge the registered sale deed of the year 1980 by way of amendment.

It further appears from the Schedule of amendment that a Title Suit No. 142 of 2013 is pending and an order of temporary injunction is in subsistence. It has also been stated in the proposed amendment that in violation of the order of temporary injunction passed in Title Suit No. 142 of 2013 the defendants have transferred their share in the suit property by way of executing several deeds.

After going through the schedule of amendment this Court finds that facts which the petitioners have now sought to introduce by way of amendment were all within the knowledge of the petitioners at the time of filing of the instant suit.

This Court, therefore, holds that the learned trial Judge was right in rejecting the application for amendment of plaint.

CO 967 of 2025 accordingly fails and the same stands dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Hiranmay Bhattacharyya, J.)