

Sl. 18
21.03.2025
Court No.6
BP

C.O. 994 of 2025

Sk. Entaj Ali
-versus-
Sk. Monsur Ali & Ors.

Mr. Kazi Safiullah
... 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 February 13, 2025 passed by the learned Civil Judge (Senior Division), Serampore, Hooghly in Title Suit No. 107 of 2015.

By the order impugned the learned trial judge rejected the application for amendment of plaint. The application for amendment of plaint was filed after two witnesses of the plaintiffs adduced their evidence. In the application for amendment the plaintiff has failed to disclose the reasons as to why such an application could not have been filed prior to commencement of trial. It appears from the record that the written statement was filed on September 29, 2015 disclosing certain deeds and by relying upon the said deeds the application for injunction of the plaintiff was rejected. The learned trial judge was right in holding that there was a lack of due diligence

on the part of the petitioner in filing the application for amendment.

For such reason, this Court is not inclined to interfere with the order impugned.

C.O. 994 of 2025 stands dismissed.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)