

01.07.2025
Item 1204 ML.
Court No.6.
AB

C. O. 1015 of 2025

**Sanat Kumar Adak
Vs
Sailen Adak & Ors.**

Mr. Krishnendu Bera,
Ms. Debolina Chakrabortyfor the Petitioner.

Mr. Tanmoy Choudhury,
Ms. R. Ghoshfor the Opp. Parties.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order no.62 dated November 29, 2024, passed by the learned Civil Judge (Jr. Division), 1st Court at Serampore in Title Suit No.577 of 2022.

By the order impugned, the application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of plaint stood rejected.

Learned advocate appearing for the petitioner submits that the learned Trial Judge passed an order of injunction. The defendant /opposite parties herein demolished the property of the petitioner in violation of the order of injunction.

He further submits that for the purpose of incorporating the facts that the petitioner has repaired the suit property after the same was demolished by the

opposite parties in violation of the order of injunction, the petitioner filed an application for amendment of plaint.

Heard the learned advocate for the opposite parties.

The petitioner filed a suit for declaration that he is the absolute owner and is in exclusive possession of A-1 scheduled shop in respect of which he has acquired ownership.

After going through the schedule of amendment, this Court finds that the petitioner sought to incorporate the fact that the opposite party herein has demolished the suit property in violation of the order of injunction and the petitioner thereafter has repaired the same.

Considering the scope of the instant suit, this Court is of the considered view that the proposed amendments are not necessary for the purpose of deciding the real controversies between the parties.

For such reason, this Court is of the considered view that the ultimate conclusion arrived at by the learned Trial Judge does not call for any interference.

Accordingly, C. O. No.1015 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)

