

Item No. 54
28.11.2025
Court. No. 6
GB

C.O. 1282 of 2025

Sri Vinay Chowdhury & Ors.
Vs.
Pradip Kumar Mukherjee

*Mr. Partha Pratim Roy,
Mr. Hare Krishna Halder,
Ms. Anindita Chatterjee*

...for the Petitioners.

1. The defendants are the tenants, whose defence has been struck off. The defendants are challenging an order dated February 20, 2025, by which the learned Civil Judge (Junior Division), 5th Court, Alipore allowed an application for amendment of the plaint in Ejectment Suit No.1 of 2015.
2. By the amendment, the plaintiff wanted to add an additional ground of attack to the existing grounds on which the eviction was sought for. The said ground being that, the defendants could not continue to remain in the suit property as tenants in view of the Section 2(g) of the West Bengal Premises Tenancy Act. The court held that allowing the amendment itself would not amount to acceptance of such contentions of the plaintiff. All such averments were subject to proof.
3. Moreover, the defendants do not also have a right of defence any more. All they are entitled to do, is to demolish the plaint case by cross-examining the plaintiff's witnesses.

4. Under such circumstances, the order impugned is justified and there is no illegality in the same.
5. Accordingly, the application is dismissed.
6. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)