

Item 24.03.
No. 2025
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 1442 of 2019
with
IA NO: CAN 1 of 2019 (Old No: CAN 8242 of 2019)
CAN 3 of 2025

Sri Abhoy Kumar Sarawagi (Jain) & Ors.
Vs
Sri Ravindra Kumar Sarawagi @ Jain & Ors.

Mr. Souradipta Banerjee,
Mr. Alike Chatterjee.
Mr. Utpal Basu Mallik.

... for the petitioners.

Mr. Sourav Sen.
Ms. Jayshree Saha.

... for the opposite parties.

1. Affidavit of service in respect of CAN 3 of 2025 filed in court today and the same be taken on record.
2. This revisional application has been preferred assailing the Order No. 250 dated 20th February, 2019 passed in connection with Title Suit No. 314 of 1995, wherein Learned Judge, 3rd Court, City Civil Court, Calcutta allowed the amendment application filed on behalf of the plaintiffs/opposite parties herein.
3. Learned counsel appearing on behalf of the defendants/petitioners herein has submitted that in course of hearing, submission was recorded by the Learned Judge to the effect that on behalf of

the defendants there was no objection in case of incorporation of proposed amendment described in paragraph 1 i.e. paragraph 39A of the proposed amendment, but Learned Judge allowed the entire amendment application.

4. Learned counsel appearing on behalf of the plaintiffs/opposite parties herein, in his usual fairness, has conceded the prayer advanced on behalf of the petitioners/defendants.
5. It is submitted on behalf of the plaintiffs/opposite parties herein that the instant revisional application may be disposed of by allowing the paragraph 1 of the proposed amendment only.
6. Considering all facts and circumstances , the order impugned is being modified to the following effect:

The amendment application dated 23rd March, 2018 stands allowed to the effect of proposed amendment described in paragraph 1 with respect to 39A only. Other portion of the proposed amendment stands refused.

7. The plaintiffs are directed to file amended plaint within two weeks from date and defendants/petitioners herein is at liberty to file additional written statement within two weeks thereafter.
8. Learned counsel appearing on behalf of the

petitioners has referred to an application for repairing of the said premises.

9. Learned Judge, 3rd Court, City Civil Court, Calcutta is requested to dispose of the Title Suit No.314 of 1995 as expeditiously as possible without grating any unnecessary adjournment to either of the parties to the suit.
10. With the aforesaid observation, the revisional application along with connected applications stands disposed of.
11. Interim order, if any, stands vacated.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)