

02.07.2025
Item 1368 ML
Court No.6.
AB

C. O. 1450 of 2025

**M/s. Tony Properties (P) Limited
Vs
Sri Prabir Kumar Seal**

Mr. Abhijit Ray,
Ms. Paromita Moitrafor the Petitioner.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order no.95 dated 14.01.2025, passed by the learned Judge, 5th Bench, Presidency Small Causes Court, Calcutta in Ejectment Suit No.142 of 2008.

By the order impugned, the application under Order 6 Rule 17 of the Code of Civil Procedure stood allowed.

Mr. Ray, learned advocate appearing for the petitioner submits that the nature and character of the instant suit has been changed by way of proposed amendment.

The opposite party filed a suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997, inter alia, on the ground of reasonable requirement.

After going through the schedule of the application for amendment of plaint, this Court finds

that the opposite party has sought to include the ground of subletting.

The proposed amendments are necessary for the purpose of deciding the real controversies between the parties. Addition of a ground permissible under Section 6 of the 1997 Act to the existing grounds cannot result in changing the nature and character of the suit as the suit remains a suit for eviction under Section 6 of the 1997 Act.

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

At this stage, learned advocate for the petitioner prays that liberty be granted to the petitioner to file additional written statement. Learned Advocate for the petitioner submits that copy of the amended plaint has already been served.

In the light of the submission made by the learned advocate for the petitioner, C. O. No.1450 of 2025 stands disposed of by giving liberty to the petitioner to file additional written statement within a period of two weeks from the date of receipt of server copy of this order.

(Hiranmay Bhattacharyya, J.)