

01-05-2025
Item no.21
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1522 of 2025
Arindrajit Chaudhuri
-vs-
Aprana Choudhury & Ors.

Mr. Arpan Guha
Mr. Abhijit Mondal ...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against Order No.96 dated March 12, 2025 passed by the learned Civil Judge (Senior Division), 1st Court at Malda.

By the order impugned, an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 praying for amendment of plaint stood rejected. The petitioner is the plaintiff in a suit for partition. The application for amendment of plaint was filed at the stage of argument.

The proviso to Order VI Rule 17 CPC shall be applicable to the case on hand.

After going through the schedule of amendment, this court finds that in the application for amendment, the petitioner has not explained the reasons as to why such an application could not have been filed prior to the commencement of trial. That apart, the petitioner has sought to amend the valuation of the suit property, the khatian number of the suit plot as well as the quantum of the land which is the subject matter of the suit property.

This court holds that the petitioner is trying to bring new facts at the stage of argument which is not

permissible in law.

The learned trial judge assigned cogent reasons for rejecting the application for amendment. This court is not inclined to interfere with the impugned order.

Accordingly, CO No.1522 of 2025 stands dismissed. No order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]