

22.04.2025
DL.39
Court No.22
S. Gayen

CO 1433 of 2022

**Hossain Jada Mondal & Anr.
Versus
Sukumar Laha**

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
...for the Petitioners

Mr. Rabindranath Mahato
...for the Opposite Party

1. This revisional application has been filed assailing the Order No. 49 dated 4th May, 2022 passed in connection with Title Suit No. 49 of 2017, wherein learned Civil Judge (Senior Division), Bishnupur, Bankura rejected the application under Order 6 Rule 17 of the Code of Civil Procedure holding, *inter alia*, that the defendant/petitioner herein was trying to delay the proceedings of the suit, which is pending for several years and that apart, the proposed amendment was filed after commencement of trial.
2. Learned counsel appearing on behalf of the petitioner has submitted that some facts have been stated at the time of evidence adduced by plaintiff and for the just decision of the suit, those facts not known to the defendant/petitioner herein at the point of time, are required to be

incorporated in the written statement by way of amendment.

3. Learned counsel appearing on behalf of the opposite party, on the other hand, has submitted that all the facts were stated in the plaint particularly in paragraph 3, therefore, the defendant cannot be said to have acquired knowledge of proposed amendment after commencement of trial.
4. On careful perusal of the entire records including the copy of the plaint at paragraph 3, I find all the proposed amendments made in paragraph 2 have already been delineated.
5. Considering all the facts and circumstances, the defendant cannot be allowed to amend the written statement to that effect of facts mentioned in paragraph 2 of the amendment application on the plea of 'subsequent event'.
6. That apart nowhere in the amendment application under Order 6 Rule 17 of the Code of Civil Procedure, it is stated that the facts of the proposed amendment particularly made in paragraph 2 came to the knowledge of the defendant in the form of 'subsequent event'.
7. In the facts and circumstances, I am of the opinion that the proposed amendment delineated in

paragraph 2 cannot be allowed in terms of proviso to Order 6 Rule 17 of the Code of Civil Procedure.

8. In this regard, I find hardly any reason to interfere with the order of the learned Trial Judge as it does not suffer from any irregularity.
9. With regard to the prayer for amendment for correction of date of registration of sale deed, I find that the same may be allowed as it will not prejudice any of the parties.
10. With the aforesaid observations, the revisional application stands disposed of.
11. Interim order, if any, stands vacated and connected application, if any, also stands disposed of accordingly.
12. The learned advocate appearing on behalf of the petitioner is directed to intimate the order to the learned Trial Judge forthwith.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)