

22-05-2025
Item no.24
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1803 of 2025
Bahauddin Khan

-vs-

Asansol Municipal Corporation & Ors.

Mr. Apurba Kumar Datta
Ms. Sreemoyee Mukherjee ...for the petitioner

This application under Article 227 of the Constitution is at the instance of the plaintiff and is directed against an order dated December 4, 2024 passed by the learned Civil Judge (Junior Division), 1st Court at Asansol, Paschim Bardhaman in Title Suit No.147 of 2018.

By the order impugned, the application under Order VI Rule 17 CPC praying for amendment of plaint stood rejected.

Learned counsel for the petitioner submits that an application for amendment is to be construed liberally. He further submits that the proposed amendments are necessary for the purpose of deciding the real controversies between the parties and that the same, if allowed, shall not change the nature and character of the suit.

The petitioner filed a suit being Title Suit No.147 of 2018 praying for declaration that he has a right to continue the two and four-wheeler parking lot on the basis of the licence issued by the Asansol Municipal Corporation and that the Corporation has no right to close the said two and four-wheeler parking lot as mentioned in the schedule of the plaint.

By way of amendment, the plaintiff sought to incorporate the fact that the defendant, i.e. the Asansol Municipal Corporation, has no parking lot area of Lachipur and all the lands belong to the private persons and the defendant has no right to auction the parking lot without due course of law and the auction of the parking lot is bad in law.

As observed hereinbefore that in the original plant, the petitioner claimed to be a licensee under the Asansol Municipal Corporation and by way of amendment the petitioner has sought to change the nature and character of the suit by seeking to challenge the authority of the Corporation to conduct the auction process of the parking lot in respect of the scheduled property.

The learned trial judge was right in holding that the proposed amendment, if allowed, will change the nature and character of the suit.

For such reasons, this court is not inclined to interfere in the impugned order.

CO No.1803 stands, thus, dismissed.

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]

