

Sl.11
18.06.2025
Court No.6
BP

C.O. 2009 of 2025

Kazi Tayeb Ali @ Kazi Taiyeb Ali
-versus-
Khadeza Bibi (wife) & Ors.

Mr. Debdutta Basu
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated 29th January, 2025 passed by the learned Additional District Judge, 5th Court, Howrah in Title Appeal No.219 of 2014.

By the order impugned the application for amendment of plaint at the first appellate stage stood rejected.

Mr. Basu, learned advocate appearing for the petitioner submits that the application under Order 6 Rule 17 of the Code of Civil Procedure was filed in order to elaborate the case which was already made in the original plaint.

After going through the plaint of the said suit this Court finds that the plaintiff has claimed right, title, interest in respect of the suit property by virtue of a deed of hebanama.

After going through the schedule of the proposed amendment this Court finds that the plaintiff/petitioner herein has sought to make out a new

case that the petitioner has acquired title by virtue of adverse possession. The proposed amendments are not only inconsistent but mutually destructive with the case made out in the original plaint.

For such reason this Court holds that the proposed amendments are not necessary for deciding the real controversies between the parties in the appeal. The learned judge of the first appellate court assigned cogent reasons for rejecting the said application for amendment of plaint.

This Court does not find any reason to interfere with such order. Accordingly, C.O. 2009 of 2025 stands dismissed.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)