

Court No. 6
(265719)

18.03.2025
(A 142)
(S. Banerjee)

CO 1807 of 2024

Rama Shankar Shaw
Vs.
Geetam Ghosh

Mr. Amrita Lal Dhar
Ms. Jaya Dutta

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against order no. 38 dated April 8, 2024 passed by the learned Judge 2nd Bench, Small Causes Court at Calcutta in Ejectment Suit No. 421 of 2019. By the order impugned the application under Order 6 Rule 17 of the CPC filed by the defendant/petitioner, stood rejected.

After going through the application for amendment of plaint, this Court finds that the petitioner herein has sought to incorporate the facts as to how and in what manner the plaintiff is using the rooms in the suit building which are under his occupation as well as under the occupation of his family members.

After going through the amendment sought for, this Court finds that the defendant has sought to

incorporate the facts which have been reported by the learned Advocate Commissioner in the report submitted after conducting inspection of the property. The report of the Advocate Commissioner is on record indicating the manner in which the rooms are being used. This Court is of the view that amendments are not necessary for the purpose of deciding the real controversy between the parties. For such reasons this Court is not inclined to interfere with the order impugned by virtue of which the application for amendment of written statement was rejected.

In view thereof, CO 1807 of 2024 stands dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Hiranmay Bhattacharyya, J.)