

Court No. 6
(265719)

19.06.2025
(AD 11)
(S. Banerjee)

CO 2077 of 2025

Smt. Sandhyarani Chanda
Vs.
Sri Sankar Chanda

Mr. Ujjwal Kanti Jana

...for the petitioner

This application under 227 of the Constitution of India is at the instance of the plaintiff and is directed against order dated May 7, 2025 passed by the learned Civil Judge (Jr. Division), 1st Additional Court at Contai, Purba Medinipur in Title Suit No. 52 of 2023.

By the order impugned the application under Order 6 Rule 17 for amendment of plaint, stood rejected.

Learned advocate appearing for the petitioner submits that the proposed amendments are necessary for the purpose of deciding the real controversies between the parties.

Learned advocate appearing for the petitioner further submits that presently the petitioner is not in possession of the suit property.

This court finds that the petitioner filed a suit for declaration that the deed dated August 12, 2011 is Antedated, Voidable, Void Ab-initio, Vitiating by fraud, misrepresentation and undue influence and was not acted upon and for permanent injunction. In the plaint it has been stated that the defendants are threatening to dispossess the plaintiff from the suit property. Moreover, in the application for amendment of plaint the petitioner has not stated that he has been dispossessed from the suit property during the pendency of the said suit but sought to incorporate the prayer for recovery of possession without any foundation in the pleadings. That apart, the application for amendment was filed after the closure of evidence of PW-4. The petitioner has failed to give satisfactory explanation as to why the application for amendment of plaint could not have been filed prior to the commencement of the trial.

The learned trial judge assigned cogent reasons for rejecting the application for amendment of plaint. This court does not find any reason to interfere with such order.

At this stage learned advocate appearing for the petitioner prays for a direction upon the learned trial judge to dispose of the suit expeditiously.

In the light of the aforesaid submissions made by the learned advocate appearing for the petitioner, CO 2077 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Division), 1st Additional Court at Contai, Purba Medinipur to make an endeavour to see that Title Suit No. 52 of 2023 is disposed of as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)