

Court No. 6
(265719)

20.06.2025
(AD 10)
(S. Banerjee)

CO 2101 of 2025

Nimai Chandra Dey & Ors.
Vs.
Sadhan Chandra Paul & Ors.

Mr. Arup Kumar Mondal
Mr. Debasis Sur

...for the petitioners

This application under 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no. 81 dated May 6, 2025 passed by the learned Civil Judge (Sr. Division), 2nd Court at Chinsurah, Hooghly in Title Suit No. 72 of 2015. By the order impugned the application under Order 6 Rule 17 of Civil Procedure Code praying for amendment of plaint, stood allowed.

Learned advocate appearing for the petitioner submits that the learned trial judge allowed the application for amendment of plaint by a totally non-speaking order.

The opposite party herein filed a money suit praying for a decree in his favour for realization of the loan amount from the defendant/borrowers together with interest from the date of advancement of the loan. In such a suit, the opposite parties filed an

application under Order 6 Rule 17 of the Civil Procedure Code.

After going through the proposed amendments which has been stated in the schedule of the application for amendment, this court finds that the opposite parties have sought to elaborate the case already made in the original application.

The opposite parties herein have filed affidavit in chief but the trial of the suit has not yet been commenced.

It is well-settled that the proposed amendments which are necessary for the purpose of deciding the real controversies between the parties in a suit, should be allowed. It is equally well-settled that amendments filed prior to commencement of trial, should be considered liberally.

After going through the proposed amendments this court is of the considered view that the same are necessary for the purpose of deciding the real controversies between the parties to the suit. The proposed amendments would not change the nature and character of the suit but the same was made to elaborate the case already made in the original plaint.

For such reasons, this court is not inclined to interfere with the order impugned. Accordingly, CO 2101 of 2025 stands dismissed.

The petitioners shall be at liberty to file additional written statement within a period of three weeks from the date of service of a copy of the amended plaint, if not already served.

If, in the meantime, the copy of amended plaint has already been served, the petitioners will be at liberty to file the additional written statement within a period of three weeks from the receipt of a server copy of this order.

(Hiranmay Bhattacharyya, J.)