

Court No. 6
(265719)

24.06.2025
(AD 8)
(S. Banerjee)

CO 2125 of 2025

Subodh Roy & Ors.
Vs.
Dolgobindo Roy & Ors.

Ms. Rakhi Shroff
Mr. Koustava Ratan Chatterjee
...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being no. 144 dated April 3, 2025 passed by the learned Civil Judge (Jr. Division), 3rd Court at Asansol passed in Title Suit No. 24 of 2016. By the order impugned the application under Order 6 Rule 17 of the Civil Procedure Code for amendment of the written statement stood rejected.

Learned advocate appearing for the petitioners submits that the proposed amendments are necessary for the purpose of deciding the real controversies between the parties in the suit. She submits that the learned trial judge dismissed the said application mechanically.

By the proposed amendment, the defendants/petitioners herein seeks to incorporate

the fact that prior to the filing of the present suit, Subhasis Roy filed Title Suit No. 62 of 1944 against Anandamoyee Dasi as defendants and the said suit was dismissed on contest.

It appears from paragraph 5 of the written statement, that the defendants have also specifically stated that the plaintiff earlier filed similar suits before several courts at Asansol over the self-same allegation and the same was dismissed.

In paragraph 6 of the written statement it has been stated that Subasini Roy filed Title Suit No. 62 of 1944 before the learned 1st Munsif Court at Asansol against Ananda Moyee Dasi and others for declaration of title and recovery of khas possession and the said suit was dismissed on contest by the learned trial judge.

This court finds that in the written statement there has been disclosure of previous suit filed by the plaintiff.

For such reason this court is of the considered view that the proposed amendments, being reiteration of facts already pleaded in the written statement, are not necessary for the purpose of deciding the real controversies between the parties.

For such reason, this court is not inclined to interfere with the conclusion arrived at by the learned trial judge. Accordingly, CO 2125 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)