

31.01.2025
DL.22
Court No.22
S. Gayen

CO 1910 of 2023
with
CAN 1 of 2025

M/s. Fit Arena & Anr.
Versus
Smt. Sikha Dey & Anr.

Mr. Tanmoy Kr. Dey
Mr. Debnath Ganguly
Mr. Rajarshi Mitra

...for the Petitioners.

Mr. Wasim Ahmed
Mr. Naoman Ahmed
Ms. Reetika
Mr. Saifur Rahaman

...for the Respondents.

1. Both the learned advocates appearing on behalf of the parties to this revisional application are present.
2. Learned advocate appearing on behalf of the opposite parties has submitted that the instant revisional application has become infructuous as petitioners filed an application for amendment of written statement under Order 6 Rule 17 of the Code of Civil Procedure and that was rejected by the learned Trial Court. Being aggrieved and dissatisfied with the said order, the petitioners have preferred the instant revisional application.

3. It has been further submitted on behalf of the opposite parties that subsequently one amendment application under Order 6 Rule 17 of the Code of Civil Procedure was filed on behalf of the plaintiffs/opposite parties herein for amendment of the plaint, which was allowed by the learned Trial Court thereby giving an opportunity to the opposite parties to file additional written statement. Accordingly, the defendants/petitioners herein filed proposed additional written statement, which was disallowed by the learned Trial Court, hence the instant revisional application was preferred.
4. Learned advocate appearing on behalf of the petitioners did not dispute the fact that the proposed amendment has already been included in the additional written statement after filing of the amended plaint before the learned Trial Court at the behest of the plaintiffs/opposite parties herein.
5. In the aforesaid view of the matter, I am of the opinion that the instant revisional application has already become infructuous as the dispute regarding proposed amendment has already been satisfied by the contents of the additional written

statement which was filed in reply to the amended
plaint before the learned Trial Court.

6. With the aforesaid observation, the revisional
application stands disposed of.
7. The learned Trial Court is requested to dispose of
the suit as early as possible.
8. Interim order, if any, stands vacated and
connected application, if any, also stands disposed
of accordingly.
9. The learned advocate appearing on behalf of the
petitioner is directed to intimate the order to the
learned Trial Judge.
10. All parties shall act on the server copy of this order
duly downloaded from the official website of this
Court.
11. Urgent Photostat certified copy, if applied for, be
given to the parties upon compliance with all
requisite formalities.

(Bibhas Ranjan De, J.)