

04.08.2025
Item No.25.
Court No.06.
S. De
265719

C.O. 2131 of 2024

Rajesh Pandey.
Vs
Shakuntala Pandey & Ors.

Ms. Tapashi Kumar Bhattacharya,
Mr. Aviroop Bhattacharya, ...for the petitioner.

Mr. M.S. Tiwari, ...for the respondents.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being number dated April 2, 2024 passed by the learned Civil Judge (Senior Division), 2nd Court, Barasat in Title Suit No. 284 of 2022.

By the order impugned under Order 6 Rule 17 of the Code of Civil Procedure filed by the opposite parties herein praying for amendment of the plaint stood allowed. The opposite parties herein filed a suit for partition and for other consequential reliefs.

After going through the schedule of the application for amendment, this Court finds that the opposite parties sought to elaborate the case already made in the plaint by way of amendment. It is well-settled that amendment of pleadings is permissible for the purpose of elaborating the case made out in the

pleadings. That apart, the trial of the suit has not yet commenced and the suit is for partition.

The learned Trial Judge rightly held that the amendment sought for was to elaborate the case made out in the plaint. The proposed amendments, to the mind of this Court, are necessary for the purpose of deciding the controversies between the parties and the proposed amendment would also not change the nature and character of the suit.

The learned Trial Court assigned cogent reasons for allowing the application for amendment of the plaint. The law laid down by the Hon'ble Supreme Court in this regard also has been correctly applied by the learned Trial Judge while passing the order impugned.

For such reasons, this Court is not inclined to interfere with the order impugned.

C.O. No. 2131 of 2024 is dismissed.

There is no order as to costs.

The opposite parties are directed to serve a copy of the amended plaint upon the petitioner. The petitioner will be at liberty to file additional written statement within a period of two weeks from the date of service of a copy of the amended plaint.

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

(Hiranmay Bhattacharyya, J.)