

D/L
Item No. 834
26.06.2025
KOLE

CO 2158 of 2024

Sri Sribash Chandra Das
-Vs.-
Sri Surajit Kumar Das & Ors.

Mr. Shiba Prasad Ghose,

...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order No. 20 dated May 10, 2024 passed by the learned Court of Civil Judge, Senior Division, 3rd Court, Barasat in Money Suit No. 299 of 2019.

By the order impugned the application under Order 6 Rule 17 of the Code of Civil Procedure stood allowed. After going through the application for amendment of plaint, this Court finds that the opposite party herein has sought to correct the typographical error of a bank account number by way of amendment. The petitioner also sought to incorporate the facts which came to the knowledge of the petitioner in course of a criminal case. Going through the proposed amendment, this Court finds that the same are necessary for the purpose of deciding the real controversy between the parties. The learned Trial Judge took note of the decision of the Hon'ble Apex Court in the cases of **Revajeetu Builders and Developers-vs.-Narayan Swami and Sons** and **Prithi Pal Singh-vs.-Amrik Singh & Ors.**, while deciding the application for amendment.

The learned Trial Judge applied the correct legal tests while deciding the application for amendment. That apart, the application for amendment was filed prior to the commencement of a trial. It is well settled that an application for amendment prior to commencement of trial is to be considered more liberally.

For the reasons aforesaid, this Court is not inclined to interfere with the order impugned. However, it appears that no liberty was given to the defendant to file additional written statement. The petitioner will 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.

The order impugned stands modified only to the extent as indicated hereinbefore.

With the above observations and directions, CO No. 2158 of 2024 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)