

Court No. 6
(265719)

18.07.2025
(AD 23)
(S. Banerjee)

CO 2401 of 2025

Sri Sanjoy Mukhopadhyay
Vs.
M/s. IFB Industries Limited & Ors.

Mr. Subhas Ch. Basu
Mr. Pankaj Halder
Mr. Sanatan Panja

... for the petitioner

Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Soumya Roy Chowdhury
Mr. Kausik De
Ms. Mohini Majumdar
Mr. Raghav Munshi
Ms. Ayelita Ghosh

... for the opposite parties

When this matter is taken up for hearing, Mr. Chatterjee, learned Senior Advocate appearing for the petitioner submits that the opposite party nos. 2 to 6 have been wrongly impleaded in this civil revision application though their names have been struck off from the array of parties in the suit.

Faced with such situation, the learned advocate appearing for the the petitioner prays for leave to amend the cause-title of the civil revision application.

Such prayer is allowed.

Learned advocate-on-record of the petitioner is given liberty to amend the cause-title of the civil revision application here and now.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated March 18, 2025 passed by the learned Civil Judge (Sr. Division), 6th Court, Alipore in Money Suit No. 102 of 2020. By the order impugned, the application for amendment of plaint, stood rejected.

Learned advocate appearing for the petitioner submits that he has instructions to press the prayer for amendment insofar as paragraph nos. 2 and 3 of the schedule of proposed amendment. He further submits that the said amendment is necessary for the purpose of effective adjudication of the disputes involved between the parties in the suit.

Mr. Chatterjee submits that the proposed amendment as stated in paragraph 2 of the schedule of proposed amendment, if allowed, would be inconsistent with the case made out in the plaint. He further submits that admission cannot be withdrawn by way of amendment.

Heard the learned advocates for the parties and perused the materials placed.

The petitioner herein filed a suit for recovery of money. In the plaint it has been stated that the petitioner joined on April 1, 1995 at IFB Industries Limited. In paragraph 2 it has been stated that the plaintiff has been continuing himself in the service of the said IFB Industries Limited on retainership basis from April 1, 1995 to June, 2021.

By way of proposed amendment, the petitioner sought to introduce the fact that the plaintiff had been continuing himself in the service of IFB Industries on retainership basis from April 1, 1995 to June 30, 2000 and he joined the company as an employee on and from July 1, 2000.

After going through the proposed amendment, this court is of the considered view that the petitioner sought to explain the admission made in the plaint and it is not a case of withdrawal of admission.

It is well-settled that admission can be explained by way of amendment.

However, this court finds that the amendments sought for in respect of the other paragraphs, excepting paragraph nos. 2 and 3, was rightly rejected by the learned trial judge and the learned advocate appearing for the petitioner also restricted

his submissions with regard to paragraph nos. 2 and 3 of the schedule of proposed amendment.

In view of the aforesaid reasons, the application for amendment is allowed in part. The amendments sought for in the schedule of proposed amendment under paragraph nos. 2 and 3, stand allowed.

The petitioner is directed to file an amended plaint within two weeks from the receipt of a server copy of this order and serve a copy of the same to the learned advocate appearing for the opposite party before the learned trial judge.

The opposite party no. 1 will be at liberty to file an additional written statement, if any, within two weeks from the date of receipt of a copy of this amended plaint.

With the above observation, CO 2401 of 2025 stands allowed in part.

(Hiranmay Bhattacharyya, J.)