

D/L- 23
22/07/2025
Ct. No.-6
Aritra

C.O. 2595 of 2025

**Manirul Islam Mollah & Anr.
Vs.
Fazlu Sheikh @ Fazlur Rahaman & Ors.**

Mr. Amit Baran Dash
Mr. Subhrajyoti Ghosh
Ms. Ankana Sarkar

...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.89 dated June 23, 2025 passed by the learned Civil Judge (Jr. Div.), Additional Court at Krishnagar, District-Nadia in Title Suit No.212 of 2018.

By the order impugned, the application under Order 6 Rule 17 of the Code of Civil Procedure praying for amendment of the written statement stood rejected.

The learned advocate appearing for the petitioner submits that the defendants have got hold of an order sheet passed by the concerned Block Land and Land Reforms Officer of Kaliganj wherefrom it revealed that Abdul Mollah filed a case against Manulla Mondal and after a contested hearing the B.L. & L.R.O. passed an order. He further submits that the said order is necessary for the purpose of deciding the real controversies between the parties.

The opposite parties herein filed a suit for declaration that the plaintiff and the pro-forma defendant Nos.3 and 4 are the owners of the suit property and for permanent injunction restraining the defendant Nos.1 and 2 from entering into and disturbing the peaceful possession of the petitioners in respect of the suit property. The petitioners herein are contesting the said suit by filing a written statement.

It is the specific case of the defendants in the written statement that the suit property originally belonged to the predecessor-in-interest of the defendant, namely, Abdulla Molla and another and their names were recorded in the L.R. Record of Rights and they are in possession of the entire suit property since the year 1357 B.S. The further case of the petitioners in the said written statement is that during the joint possession of Abdulla and Manai no partition was held in between them and the plaintiff/opposite parties herein has no possession over the suit property. It is the further case that forged and false deed was created and by virtue of such document the plaintiff is trying to enter into the suit property.

From the schedule of the amendment, this Court finds that the petitioners sought to make out a new case by way of amendment which did not have the slightest basis in the original written statement. In the schedule of amendment it has been stated that the concerned

B.L. & L.R.O. passed an order directing Manulla Mondal to deliver the produce in favour of Abdulla Molla. Plaintiff is not a party in the proceeding in which B.L. & L.R.O. passed the orders. The said order does not have any material bearing on the dispute involved between the parties in the instant suit.

After going through the proposed amendment, this Court is of the considered view that the same are not necessary for the purpose of deciding the real controversies between the parties. That apart, the application for amendment was filed at the stage of argument. In the application for amendment the petitioners have not explained as to why such application could not have been filed prior to the commencement of trial when the was passed in the year 1993.

The learned trial judge assigned cogent reasons for rejecting the application for amendment.

This Court does not find any reasons to interfere with such order.

Accordingly, CO 2595 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)