

Court No. 6
(265719)

18.08.2025
(AD 10)
(S. Banerjee)

CO 2925 of 2025

Sulata Dutta & Anr.
Vs.
Sankar Dutta & Ors.

Mr. Sayantan Bose
Ms. Priyanka Gope

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated June 18, 2025 passed by the learned Judge, 10th Bench, City Civil Court at Calcutta in Title Suit No. 1684 of 2023. By the order impugned the application under Order 6 Rule 17 of the Civil Procedure Code, stood allowed.

Learned advocate appearing for the petitioners submits that the application for amendment of the plaint was allowed without giving any opportunity to the petitioners to file any written objection to the application for amendment. She further submits that the petitioners took out an application under Order 7 Rule 11 of the Civil Procedure Code pointing out that the plaint is liable to be rejected as in the prayer the opposite parties did not claim a specific share in respect of the suit property.

The opposite parties herein filed a suit for partition. However, in the plaint the opposite parties have not specified the share to which the opposite parties are entitled to in respect of the property which forms the subject-matter of the suit for partition. By way of amendment the opposite parties sought to amend the prayer portion by incorporating the shares of the plaintiff and the defendants in respect of the suit property.

Considering the fact that the suit is for partition, this court is of the considered view that the proposed amendment is necessary for the purpose of deciding the real controversies between the parties. It further appears from the impugned order that the application for amendment was filed on June 9, 2025 and the hearing of such application was fixed on June 18, 2025 and the opposite parties were given liberty to file written objection in the meantime. Thus, this court is not inclined to accept the submission of the learned advocate appearing for the petitioners that the prayer for amendment of the plaint was allowed without giving any opportunity to the petitioners to file any written objection to the application for amendment. Therefore, this court does not find any reason to interfere with the order impugned.

Accordingly, CO 2925 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)