

Sl. 11
03.09.2025
Court No.6
BP

C.O. 3065 of 2025

Smt. Mitali Dutta & Anr.
-versus-
Sri Bholanath Nandi & Ors.

Mr. Arunangshu Chakraborty
Mr. Arijit Bera
Ms. Zeba Rashid
Ms. Shaika Amrin
Mr. M.M. Das
... 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 dated 7th July, 2025 passed by the learned Civil Judge (Junior Division), 1st Court, Bankura in Title Suit No. 129 of 2024.

By the order impugned the application for amendment of the plaint stood allowed.

The opposite parties filed a suit for declaration to the effect that the plaintiff no.1 is the owner, title holder and is in possession of the property as specifically mentioned in Schedule 'A' of the plaint and the plaintiff nos. 2 and 3 are the owners in respect of Schedule 'B' of the plaint and for permanent injunction. In such a suit the opposite parties filed an application under Order 6 Rule 17 of the Code of Civil Procedure praying for amendment of plaint.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that an earlier suit between self same parties are pending. He further submits that the instant

suit has been filed by suppressing the fact of pendency of the earlier suit. He, therefore, submits that the amendment application ought to have been rejected by the learned trial judge.

After going through the application for amendment of plaint this Court finds that the opposite parties sought to correct some typographical errors in paragraph 11 of the plaint with regard to mentioning of the year and the cause title of the plaint. The opposite parties also sought to insert the fact about the institution of the earlier suit. The proposed amendments are formal in nature. The fact of pendency of Title Suit No. 131 of 2019 is also necessary for the purpose of deciding the real controversies between the parties.

For such reason, this Court is not inclined to interfere with the order allowing the prayer for amendment of plaint. It is also not in dispute that the trial of the suit is yet to commence.

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

Accordingly, C.O. 3065 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)