

26.08.2025
Item No.10.
Court No.06.
S. De
265719

C.O. 2969 of 2024
With
I.A. No. CAN/1/2025

Nabakumar Dolai & Ors.
Vs
Biswanath Dolai & Ors.

Mr. Sukanta Das, ...for the petitioners.

Mr. Arup Krishnas Das,
Ms. Rajashree Ghosh,
Mr. Utsab Ghatak,
...for the Opposite Parties.

Affidavit-of-service filed in Court today, be kept
with the records.

Though the matter is appearing under the
heading “extension of interim order” but with the
consent of the learned advocates for the respective
parties, the civil revisional application is taken up for
final hearing by treating the same as on day’s list.

This application under Article 227 of the
Constitution of India is at the instance of the plaintiff
and is directed against an order being no. 22 dated
July 6, 2024, passed by the learned Civil Judge (Jr.
Divn.), 2nd Court, Paschim Medinipore in Title Suit
No.604 of 2019.

By the order impugned, the application under
Order 6 Rule 17 of the Code of Civil Procedure praying

for amendment of the plaint and the application for amendment of temporary injunction stood rejected.

The learned Trial Judge, in the said order recorded that July 26, 2024 was fixed for filing of the amended plaint by the plaintiff and for hearing the temporary injunction application.

Mr. Sukanta Das, learned advocate appearing for the petitioners submits that there was no scope to file the amended plaint on July 26, 2024 as the petitioners have filed the application for amendment of plaint and the application for temporary injunction which stood rejected by the impugned order.

Mr. Arup Krishna Das, learned advocate appearing for the opposite parties submits that the petitioners filed an application for amendment of plaint on an earlier occasion which was allowed by the order dated April 16, 2024 and the petitioners have again filed another application for amendment of plaint.

After going through the impugned order, this Court finds that the learned Trial Judge rejected the application for amendment of plaint and the application for amendment of the temporary injunction application without assigning any reason. Only for such reason, this Court is inclined to interfere with the order impugned. The learned Trial Judge did not consider whether the proposed amendments are

necessary for the purpose of deciding the real controversies between the parties in the suit.

Accordingly, the order dated July 26, 2024 is set aside. The application under Order 6 Rule 17 of the Code of Civil Procedure dated May 14, 2024 praying for amendment of the plaint and the application dated May 14, 2024 praying for amendment of the application for temporary injunction is restored to its file of the learned Civil Judge (Jr. Divn.), 2nd Court, Paschim Medinipore. The learned Trial Judge is requested to decide the said application afresh after giving an opportunity of hearing to the respective parties and dispose of the same by passing a reasoned order.

It will be open to the opposite parties herein to file written objections to the aforesaid amendment applications.

C.O. No. 2969 of 2024 stands disposed of with the above observation and direction.

In view of the order passed in C.O. No.2969 of 2024, the application being CAN 1 of 2025 also stands disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Hiranmay Bhattacharyya, J.)