

03.09.2025
Item No.19.
Court No.06.
S. De
265719

C.O. 3203 of 2025

Meghnath Singh @ Meghnad Singh.
Vs.
Sri Mahendra Singh.

Mr. Goutam Lahiri, ...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated June 24, 2025 passed by the learned Civil Judge (Jr. Divn.) at Bidhannagar in Title Suit No. 236 of 2012.

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 allowed.

The learned advocate appearing for the petitioner submits that the facts sought to be incorporated by the petitioner by way of amendment are already in existence in the original written statement. He submits that the proposed amendments are, therefore, not necessary for the purpose of deciding the real controversy between the parties in the suit.

The learned advocate appearing for the Municipal Corporation submits that during the pendency of the suit, the petitioner/opposite party

filed a writ petition in connection with the mutation of the property of his name in the property in question. He submits that the fact of filing of the writ petition as well as the order passed therein and giving effect order by the municipality were only sought to be brought on record by way of amendment.

Heard the learned counsel for the parties. perused the material on record.

After going through the proposed amendment this Court finds that the opposite parties herein has sought to incorporate the fact of filing of a writ petition before this Hon'ble Court, the orders passed therein and the steps taken by the Municipality pursuant to such orders.

It was further stated in the amendment application that the wife of the defendant is the owner of the property in question. After going through the original written statement this Court finds that in paragraph 15(1) it has been specifically stated that the wife of the defendant is the owner of the entire premises being no. 15 and 16, Kali Krishna Tagore Road, P.S. Baranagar, Kolkata 700035 by virtue of a deed of gift dated November 29, 2006. It is well-settled that mutation does not confer any title in respect of the property in question.

The suit is for eviction of a licensee.

After going through the materials-on-record, this Court is of the considered view that the fact that the defendant's wife is the owner has already been stated in the original written statement. Therefore the proposed amendments in that regard are not necessary for the purpose of deciding the real controversies between the parties.

The writ petition relates to mutation of the property. The same cannot have any bearing in the real controversy between the parties in the suit. Therefore, the fact of filing the writ petition, the order passed therein and the giving effect order by the Municipality are not necessary for deciding the dispute involved in the suit.

The learned Trial Judge allowed the application for amendment of written statement by a totally non-speaking order. As to why the proposed amendments are necessary for the purpose of deciding the real controversies between the parties has not been indicated in the said order.

For such reason this Court is inclined to interfere with the order impugned.

Accordingly, the order impugned is set aside. C.O. No. 3203 of 2025 stands allowed.

(Hiranmay Bhattacharyya, J.)