

Sl.42
19.09.2025
Court No.6
BP

C.O. 3516 of 2025

Smt. Maya Bhattacharjee & Ors.
-versus-
Rakesh Sen & Ors.

Ms. Debarati Sen (Bose)
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order being no.39 dated July 18, 2025 passed by the learned Civil Judge, (Junior Division), 1st Court at Sealdah in Title Suit No. 169 of 2018.

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

The learned advocate appearing for the petitioners submits that initially the suit was filed for permanent injunction and by way of amendment the petitioners sought to introduce the relief for declaration.

After going through the schedule of amendment this Court finds that the petitioners sought to incorporate the prayer for declaration that the agreement dated 26th April, 2017 is binding upon the parties to the suit. The instant suit was

filed in the year 2018 only for permanent injunction. The application for amendment was taken out on 18th July, 2025. By way of amendment the petitioners sought to introduce a relief which is ex facie barred by limitation.

For such reason, this Court is not inclined to allow the application for amendment of plaint. The learned trial judge was right in rejecting the application for amendment of plaint.

Accordingly, C.O. 3516 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.)