

10.12.2025
Ct. No. 06
Sl. No.69
skg

C.O. No. 3517 of 2025

Tufan Basak
Vs.
Smt. Tumpa Basak & Anr.

Mr. Faizul Haque,
Mr. Sanatan Mondal,

.....for the petitioner

1. The revisional application arises out of an order dated August 19, 2025 passed by the learned Civil Judge (Jr. Div.) at Bidhannagar, in Title Suit no. 145 of 2005.
2. By the order impugned, the learned court allowed the application for amendment of the written statement almost 19 years after the suit was instituted, with cost. Admittedly, trial commenced. However, the learned court was of the view that the discretion should be exercised in this case, by allowing the amendment of the pleadings. Incorporation of certain facts which were relevant for adjudication of the dispute between the parties was necessary.
3. The petitioner filed a suit for declaration and recovery of khas possession against his wife and minor son who has since attained majority. By the amendment application the wife/defendant no.1 wanted to incorporate certain facts with regard to the orders passed by the criminal court in the proceedings under

the Protection of Women from Domestic Violence Act, 2005. She wanted to bring on record that the said court had restrained the petitioner from throwing out his wife from the shared household and further that, the petitioner was restrained from entering the portion enjoyed by the defendants in the shared household. Further averments sought to be incorporated were that, the petitioner had made out a false and frivolous claim for reasonable requirement of the property and had instituted the suit with a mala fide intention to dispossess the defendants therefrom, although the petitioner had gifted properties to his sister. That the petitioner/plaintiff had intentionally left the suit property, abandoned his family and went to live with his mother.

4. In my view and upon considering the fact that the petitioner had filed the suit against his estranged wife and son, seeking declaration and recovery of possession, these amendments are relevant and bona fide.
5. Moreover, the court allowed the amendment upon payment of cost. Under such circumstances, the order impugned is not interfered with. The petitioner will be entitled to file a rejoinder to the amended written statement within the time to be specified by the court and the learned court shall proceed expeditiously with the suit, without granting unnecessary adjournments.

6. If further evidence is required to be led by the petitioner the court shall allow the same, upon framing additional issues if required.
7. The revisional application is accordingly disposed of.
8. There shall be no order as to costs.
9. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)