

12.11.2025
Ct. No. 06
Sl. No.25
Cp

C.O. No. 3669 of 2025

Smt. Manju Tewari
Vs.
Gautam Mallick & Anr.

Mr. Shyamal Chakraborty
Mr. Debajyoti Mondal
Ms. Manju Jaiswal
Mr. Achintya Kr. Mukherjee

.....for the petitioner.

The petitioner has challenged an order dated September 3, 2025, passed by the learned Judge, 5th Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No.391 of 2013.

By the order impugned, the learned court allowed an amendment application. According to the court, the amendment was formal in nature and was necessary for effective adjudication of the dispute between the parties. Certain facts which occurred during the pendency of the suit were sought to be brought on record. According to the learned court, Avijit Mallick who filed the petition was one of the joint receivers as also a co-owner and his locus could not be doubted. During the pendency of the suit, the plaintiffs had recovered possession in respect of two rooms and one flat on the second floor of the Premises No. 54A, Strand Road, P.S. – Jorabagan, Kolkata – 700 006, which was under the occupation of Smt. Rani Tewari and another

by way of execution of a decree. Such fact was sought to be incorporated by way of an amendment. The subsequent event sought to be incorporated in the plaint are relevant. The truth and veracity of such amendment are not to be gone into at this stage. All these issues are subject to proof at the trial. The order impugned does not suffer from any perversity.

Under such circumstances, the application is dismissed.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)