

29.01.2025
Item No.12
gd/ssd

CO/4104/2024
PANCHU HALDER
VS
SANTANU MUNDA (SARDAR) AND ORS.

Mr. Sandip Das
..for the Petitioner.

Mr. Supratic Roy,
Mr. Shuvajit Roy
..for the Opposite Parties.

The defendant no.1 in a suit for declaration of title and permanent injunction has challenged the Order being No.45 dated September 2, 2024 passed by the learned Civil Judge (Junior Division), First Court, Diamond Harbour in Title Suit No.171 of 2022.

By the order impugned the application for amendment of plaint was allowed subject to payment of cost by the plaintiffs to the defendants.

After going through the schedule of the application of the amendment of plaint, this Court finds that the proposed amendments are necessary for the purpose of deciding the real controversies in the suit. It does not appear from the schedule of the amendment application that the plaintiff sought to withdraw any admission made in the original plaint.

That apart, the application for amendment was filed prior to the commencement of the trial.

The learned Trial Judge took note of the decisions which laid down the guiding principles for consideration of a prayer for amendment of plaint and assigned cogent reasons for allowing such application.

The impugned order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

It has been submitted by the learned Advocate for the opposite parties/plaintiffs that the amended plaint has been filed.

On the prayer of Mr. Das, learned Advocate for the petitioner, three weeks' time is granted to the defendant/petitioner to file their additional written statement.

Accordingly, CO 4104 of 2024 stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)