

25.11.2025
Item No.50
BR

CO 4264 of 2024

Binay Kumar Gupta and Ors.

-vs-

Mira Devi Gupta

Mr. Gopal Chandra Ghosh, Sr. Adv.,
 Mr. Rajkrishna Mandal

... for the petitioner

Mr. P.P.Roy,
 Mr. G.Das

... for the O.P.

1. The civil revisional application has been preferred challenging an order dated 3.10.2024 passed by the learned Civil Judge (Junior Division), Additional Court at Sealdah, South 24 –Parganas in Title Suit No. 62 of 2003.

2. Vide the order under challenge the learned trial Court has been pleased to allow the plaintiff's/opposite party's application under Order 6 Rule 17 CPC and being aggrieved it is the defendant who has approached this Court.

3. On perusal of the Order under challenge, the application under Order 6 Rule 17 Civil

Procedure Code and the schedule to the plaint it appears that prayer (b) of the plaint is as follows:

“ For a declaration that the Award made by the purported Arbitrators on 27.4.1992 and /or any other date or dates , is illegal, invalid, void and not binding upon the plaintiff.”

4. The plaintiff/o.p. sought to amend the plaint by modifying prayer (b). It appears that the suit property which is not to be part of the award. Declaration has been prayed for to that extent. The prayer of the plaintiff/o.p. has been sought to be modify the extent that the suit property which was part of the award cannot be included in the award.
5. In view of the said fact, this Court finds that though the amendment prayed for and permitted was made after the trial was concluded. It appears that the amendment sought for was already part of prayer ‘B’ by way of amendment. The petitioner/plaintiff has only

sought to specify his relief which this Court finds any prejudice to the petitioner/plaintiff herein.

6. In view of the said fact the order under challenge requires no interference.
7. The civil revision stands dismissed.
8. Trial Court to proceed expeditiously with the trial.

(Shampa Dutt (Paul), J.)