

JPD.9.
July 29, 2025.
MNS.

CALCUTTA HIGH COURT
In The Circuit Bench at Jalpaiguri
Appellate Side

CO No. 1 of 2025

Prosanta Kumar Ghosh and others
Vs.
The State of West Bengal and another

Mr. Sourav Sen, Ld. Sr, Adv.,
Mr. Alok Bhowmick,
Mr. Chayan Moni Bhowal

... for the petitioners.

Mr. Momenur Rahman,
Mr. Nabankur Paul

...for the opposite parties.

1. The present revisional application has been preferred against an order whereby the application for amendment of plaint made by the plaintiffs/petitioners in the trial court was rejected.
2. The learned trial Judge, while so rejecting, observed that the facts sought to be brought in by way of an amendment have no nexus with the controversy in the suit.
3. Learned senior counsel for the petitioners submits that since the particulars of the costs incurred etc. by the petitioners, which was the premise of the claim of damages, were not disclosed in the amendment, the learned trial

Judge came to such findings. Subsequently, a comprehensive amendment application incorporating the costs incurred due to further litigation in connection with the original claim of damages has been filed in the trial court.

4. It is submitted that the present impugned order may not influence the learned trial Judge while deciding the said application.
5. Learned counsel for the defendants/opposite parties submits that the learned trial judge was justified in concluding that there was no nexus between the pleadings sought to be incorporated with the original claim.
6. A perusal of the proposed amendment indicates that certain further facts pertaining to the execution case in respect of the decree, which was the premise of the original claim of damages, were sought to be incorporated.
7. Be that as it may, since the petitioners have filed a subsequent amendment application in a comprehensive manner, the present revisional application has become infructuous.
8. Accordingly, CO No. 1 of 2025 is disposed of as infructuous, with the observation that nothing in the impugned order shall preclude the

petitioners from moving their subsequent amendment application.

9. As and when so moved, the learned trial Judge shall, upon giving the opportunity of hearing to both sides, decide the same independently without being influenced in any manner by any of the observations made in the order impugned herein.
10. Needless to say, the opposite parties will be at liberty to file their written objection to the subsequent amendment application filed by the petitioners within the time fixed for such purpose by the trial court.
11. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)