

10.07.2025
Item No.4
Court No.01
S.Bag(AR(CR))

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

**CO/23/2025
IA NO: CAN/1/2025, CAN/3/2025**

**TEJ BAHADUR GURUNG
VS
ASHIT RANA AND ORS.**

Mr. Ujjwal Kuksom, Adv.
Mr. Subhasish Misra, Adv.
Mr. Satyajit Paul, Adv.
Ms. Shreya Sarkar, Adv.
...for the opposite party

The instant revisional application is directed against an order dated 13th November, 2025 rejecting the prayer for amendment under Order VI Rule 17 of the Code of Civil Procedure, 1908.

Briefly, the suit is filed for declaration of title and for cancellation of a deed of gift.

Significantly, the amendment application filed is the third of its kind. By virtue of the amendment application, the plaintiff was seeking to add the word “deceased” in respect of the defendant no. 2 as well as seek substitution of the legal heirs. It is submitted on behalf of the plaintiff that the above amendments are necessary for proper adjudication of the disputes between the parties.

It is also contended on behalf of the plaintiff that the amendments do not alter the nature

and scope of the suit. There is also no prejudice which is caused to the defendant.

On behalf of the defendant, it is submitted that this is the third amendment application which has been filed by the plaintiff. The entire ploy of the plaintiff is to delay and procrastinate the hearing of the suit. There is no need for the proposed amendments. The word “deceased” is superficial and substitution which the plaintiff seeks unnecessary since the same has already been effected.

On a reading of the impugned order it appears that, the same is adequately and properly reasoned. In passing the impugned order, the Learned Judge has taken into consideration all the facts and circumstances of the case. The aspect of substitution as well as the necessity to include the word “deceased” both have been considered in the impugned order. There are no grounds whatsoever to interfere with the impugned order.

It is obvious that the plaintiff is trying to delay and procrastinate the hearing of the suit on false and frivolous excuses. The filing of the amendment application is not only unnecessary but also amounts to an abuse of process.

In view of the above, CO/23/2025 is dismissed.

CAN/1/2025 alongwith CAN/3/2025 also stand dismissed as infructuous.

In view of the above, and repeated applications for amendment with an oblique and collateral purpose to delay the suit costs are imposed at Rs.25,000/- on the plaintiff to be paid to the defendants/opposite parties.

(RAVI KRISHAN KAPUR, J.)