

S/L o8
06.11.2025
Court No.1
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION

CO 193 of 2025

Smt. Shyamali Chakraborty & Anr.

Vs.

Smt. Shila Dutta (Ghosh) & Ors.

*Mr. Gopal Sah,
Mr. Arko Sarkar,*

... for the Petitioners.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for declaration of right of easement and is directed against the order no. 11 dated August 28, 2025 passed by the 2nd Court of learned Civil Judge (Junior Division) at Jalpaiguri in the said suit being Title Suit No. 196 of 2024.

The learned Trial Judge by the order impugned, has allowed an application filed by the plaintiffs for amendment of the plaint and has also allowed an application filed by the plaintiffs for addition of party.

The learned advocate for the petitioners submits that his clients have no objection if the prayer of the plaintiffs for addition of party is allowed but the order allowing amendment of the plaint is not sustainable since by the proposed amendment, the property belonging to the petitioners has been sought to be included in the suit properties, as a result, the subsisting order of injunction would also operate against the property of the petitioners.

Having heard the learned Counsel for the petitioners and on perusal of the materials-on-record, it appears that the plaintiffs are claiming right of easement over the suit schedule 'C' property which is adjacent to the plot of land belonging to the defendants. The plaintiffs have not claimed any right, title, interest in respect of the said property of the defendants but to ascertain whether the plaintiffs have any right of easement over the suit schedule 'C' property, the property belonging to the defendants

need to be included in the subject-matter of the suit as it is adjacent to the said schedule 'C' property.

The order impugned therefore, does not call for any interference.

C.O. 193 of 2025 is dismissed with the above observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)