

S/L 6
28.10.2025
Court No.01
AJ

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction

C.O. 194 of 2025

Tapan Kumar Barman
Vs.
Abhijit Barman & Anr.

Mr. Surojit Basu,
Mr. Puspen Barman,
Mr. Sayantan Bhowmik.
... for the Petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the objector to a proceeding for grant of probate and is directed against order dated July 16, 2025 passed by the learned District Judge, Cooch Behar in the said proceeding being Other Suit No. 02 of 2023.

The learned Trial Judge, by the order impugned, has dismissed an application filed by the petitioner praying amendment of the written statement on the ground that the witness action in the present proceeding has started and it has progressed substantially.

In view of the bar to amend the pleadings after commencement of the trial of the suit as envisaged in the proviso appended to Order VI Rule 17 of the Code of Civil Procedure, this Court does not find any illegality and/or infirmity in the order impugned warranting interference.

C.O. 194 of 2025 is dismissed without any order as to costs.

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

(Biswajit Basu, J.)