

01.07.2025
Item No.6
Court No.01
S.Bag(AR(CR))

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

CO/120/2023

**NILKAMAL BISWAS
VS
NANDITA MOULIK AND ANR**

Mr. Kamal Krishan Banerjee, Adv.
Mr. Bhaskar Roy Mahasarya, Adv.
Mr. Satyaki Basu, Adv.
...for the petitioner

Mr. Ajay Kumar Singhanian, Adv.
...for the appellant

This is a revisional application directed against an order dated 13th March, 2023 whereby an application for amendment has been allowed.

Briefly, the suit is for eviction and it is admitted that the suit is an advanced stage of hearing. In fact, the parties were to commence their arguments. At this stage, the plaintiff filed an application amendment.

On behalf of the defendants, it is contended that the amendments are ill-motivated to the extent that the plaintiff by way of the proposed amendment sought for filling up a lacunae in his case.

Be that as it may, the impugned order admittedly does not record any reasons at all. It is well settled that reasons are the soul of any

decision making process. There is no element of “why” for the “what” to stand on in the impugned order. In view of the above, the impugned order is bereft of any reasoning and unsustainable.

As such, the order dated 13th March, 2023 is set aside.

The matter is remanded to the Learned Civil Judge (Junior Division) to hear the application for amendment afresh in accordance with law and pass a reasoned order within a period of two weeks from the date of communication of this order.

It is made clear that no unnecessary adjournments are granted to either of the parties.

With the above directions, CO/120/2023 stands disposed of.

(RAVI KRISHAN KAPUR, J.)