

04.02.2026
Ct. No. 06
Item 603
Cp

C.O. 193 of 2025

Soumyajit Dutta Mudi & Anr.
Vs.
Subrata Kumar Hazra

Mr. Mrinal Kanti Ghosh
Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Ms. Bipasha Bhattacharyya

.....for the petitioners.

This is an application challenging the order dated January 3, 2025, passed by the learned Civil Judge (Junior Division), 1st Court, Birbhum in Title Suit No.54 of 2011.

By the order impugned, the learned court rejected an application for amendment of the written statement after the DW had been closed. The court was of the opinion that the delay caused in filing the application was fatal.

However, this court finds that by the amendment the defendants wanted to incorporate the facts with regard to the plaintiff having an accommodation elsewhere. That the plaintiff's son being an qualified engineer was working in metro cities and did not have any requirement of the area under occupation of the defendants, to run his business. Further averment that

the defendants were earning their livelihood from the said shop was also sought to be incorporated.

I find from the additional written statement which was filed earlier that, in paragraphs 7 and 8 thereof the defendants had narrated the same facts in greater detail, which were sought to be incorporated again by an amendment to the written statement. Paragraphs 7 and 8 of the said additional written statement are quoted below:-

“7) That thereafter these defendants have been made parties as defendant no.1 (b) and 1(c) and they have appeared before this Id. Court through their advocate and contesting the present suit by adopting the written statement on dt.04.03.2013 which was filed by their deceased father Birojaksha Dutta Mudi. Besides this, these added defendants are filing this additional written statement for representing the subsequent event before the Ld. Court for proper adjudication of this case. It is also a fact, plaintiff has stated in his plaint, his only young son is very much interested in business but for want of accommodation the plaintiff failed to start any business, it is totally false statements in order to file this false suit. Because plaintiffs only son namely Sumit Hazra has passed B.Tech (Mechanical Engineering) and others degree thereafter he is working as high level post in the renounced company and his service level is existence throughout in India as well as in various countries in the world. Not only that plaintiff's said son did not stay any Point of time at Bolpur since his birth. The plaintiffs said son's boyhood life, his educational life and till now his service life are existence in the big cities and also Metropolitan cities of India. It is also true fact that plaintiffs said son did not want to start any new business and also he will never start any business in the said tenanted premises. So it is a laughable statement of the plaintiff which he had stated in para 5 of this plaint. Moreover plaintiff have several premises within 10 KM. at Bolpur town he has also residential building and other rooms for the purpose of starting business. So the plaintiffs bonafide requirements of the tenanted premises is no longer existence and it is false & fake in order to file

the present suit not only that the other accommodation just like adjacent tenanted premises owned and possessed by the plaintiff.

8) That the plaintiff's statements in the plaint regarding damages of the suit premises including addition & alteration to the suit premises is totally false. There was/is no change of the suit premises, Caused by these defendant as well as the predecessor of this defendants. Now these defendants with the help of their uncle are running this medical shop in the tenanted premises and from this shop only earned income is used for their maintaining their family. Neither any other accommodation for continue their business at Bolpur town nor any other source of income of these defendants. Plaintiff and his wife are residing in Kolkata in their own flat and has worked as High post of N.T.P.C. Ltd. (Govt. of India Enterprises). After demise of the sole defendant these defendants are running their said medical shop as tenant from the period of predecessor father Late JaykrishnaHazra of the plaintiff under the same name and style. In any point of time from the said period no complaint or allegation against these defendants business including tenanted premises. So the plaintiff has no need of the tenanted premises in future, only for reason to set up or establish other tenant by larger amount of rent with taking salami by evicting these defendants. So the question of starting business for the plaintiff son's is nothing but a cock and bull story, so the plaintiff has these things in the plaint to create a sympathy before the 1.4. Court on that the plaintiff can get a decree of ejectment solely. So if the plaintiff gets a decree then these defendants will be highly prejudiced and these defendants and their family members will have to starve.

So the other statement made in para 1 to 10 of the plaint are not true and the plaintiff is not entitled to get decree as prayed for. So the plaintiffs suit may be dismissed with cost. Save and except these statements of this additional written statement of the other statement of the plaint are not admitted by these defendants."

Under such circumstances, this court is of the view that the application was rightly rejected. The application was filed only to delay the proceeding. The schedule of the

proposed amendment contained only repetitions and reiterations of the facts already averred in the additional written statement.

The revisional application is accordingly dismissed. There shall be no order as to costs. The suit shall be expidited.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)