

Item No.291
30.01.2026
Court. No. 6
GB

C.O. 489 of 2025

Prabir Karmakar @ Jaga & Ors.
Vs.
Pallab Kumar Ghosh & Anr.

*Mr. Ayan Banerjee,
Ms. Debjani Sengupta*

...for the Petitioners.

Mr. Anit Kumar Rakshit

...for the Opposite Parties.

1. The petitioners are aggrieved by an order dated January 15, 2025, passed by the learned Civil Judge (Junior Division), 1st Court at Chandernagore at Hooghly in Title Suit No.292 of 2018.
2. By the order impugned, the learned court rejected an application for amendment of the written statement. By the amendment to the written statement, the petitioners wanted to incorporate the fact that, they came to know at a later stage that the plaintiff/opposite party no.1 had transferred the suit property to a third party and as such, the plaintiff ceased to be the owner of the property. The deed of sale was sought to be relied upon and pleadings with regard to the same were further sought to be included.
3. The learned court rejected the application for amendment on the ground of delay, upon holding that trial had commenced. The learned court further held that the deed was not necessary for

adjudication of the dispute between the parties. In the suit for eviction under the West Bengal Premises Tenancy Act, 1997, the determination of the ownership of the property was not necessary. There were adequate pleadings to hold that the petitioners were inducted as tenants by the said plaintiff.

4. Mr. Banerjee, learned advocate for the petitioners submits that the learned court went into the merits of the amendment application while adjudicating whether the amendment was necessary for the disposal of the suit. The amendment was not taken out at a belated stage. The affidavit-in-chief had just been tendered by the P.W.1.
5. Mr. Rakshit, learned advocate for the opposite parties submits that the learned trial Judge had rightly rejected the application. The amendment would not help the defence case in the eviction suit. The defendants all along were aware of the transfer. This was a dilatory tactic.
6. Having considered the rival contention of the parties, this Court is of the view that the learned trial Judge rightly held that the deed may not help to advance the defence case. In a suit for eviction, the tenant cannot challenge the title of the landlord. Although, Mr. Banerjee submits that this was an observation on merits, in my view, the learned trial Judge considered whether the amendment was at all

necessary for proper adjudication of the dispute between the parties. The stage at which the amendment was sought for is irrelevant, for the sole reason that the pleadings with regard to such transfer is available in the written statement and if the petitioners are in possession of any document to show such transfer, they are at liberty to confront the plaintiff with the same in the cross-examination.

7. In my view, the observations of the learned court was restricted to the disposal of the application for amendment of the written statement. All questions may be raised before the learned trial judge, which shall be decided as per law. The learned trial Judge shall make an attempt to dispose of the suit expeditiously. All points are left open.
8. Accordingly, the revisional application is disposed of.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)