

ML 611
06.02.2026
Court. No. 6
GB

C.O. 807 of 2025

Kapil Prasad Shah @ Kapil Shah
Vs.
Bejoy Kumar Shah & Ors.

Mr. A.B. Chakraborty

...for the Petitioner.

*Mr. S.K. Das,
Ms. Smita Pal,
Ms. Krishna Yadav,
Ms. B. Neshat*

...for the Opposite Parties.

1. The petitioner is aggrieved by an order dated August 7, 2024, passed by the learned Civil Judge (Senior Division), Serampore, Hooghly in Title Suit No.82 of 2020.
2. By the order impugned, the learned court allowed an application under Order 6 Rule 17 of the Code of Civil Procedure. The learned court allowed amendment of the number of the R.S. plot and the quantum of land within the said R.S. plot. Consequent thereto, correction in the holding number was also allowed. The facts in relation to devolution of the property by dint of a partition decree, instead of devolution on the basis of a partition deed, were further allowed to be corrected in the plaint.
3. The plaintiff also intended to incorporate that 1/3rd of the share of the proforma defendant no.2 in the suit property was transferred in favour of the

plaintiff by way of a gift. The court did not allow such amendment, inter alia, holding that the plaintiff had filed a suit for declaration, injunction and cancellation of the sale deed being Deed No.0083 of 2009 and not for partition.

4. According to the court, the amendments which were formal in nature, namely, point nos.1 and 2 of the schedule thereof should be allowed as the same were necessary for proper identification of the suit property. With regard to incorporation of the facts based on the partition decree, the court allowed such factual incorporation. With regard to the transfer of 1/3rd share of the suit property, the court was of the view that the said fact could not be brought on record with necessary prayers as the suit was not filed for partition and the plaintiff had never accepted the defendant as the co-sharer in the suit property.
5. I do not find any illegality in the order impugned. The court allowed formal correction of the R.S. plot number, holding number and the quantum of land within the R.S. plot number in respect of which the suit has been filed. The factum of a partition decree was sought to be brought on record for the plaintiff to trace devolution of the property. This was an elaboration of the facts already pleaded by the plaintiff.

6. Under such circumstances, there is no scope for interference with the order impugned.
7. Accordingly, the revisional application is dismissed. The suit shall be expedited.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)