

01.04.2026
Item No.06 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 883 of 2025

**Nurjahan Bibi
-Vs-
Sk. Akbar Ali & Anr.**

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Debolina Ghosh.
....for the petitioner.

1. Affidavit of service filed in Court today is taken on record.

2. None appears for the opposite parties despite service.

3. This revisional application is directed against an order dated October 03, 2024 passed by the learned Civil Judge (Junior Division), 1st Court at Chandernagore, Hooghly in Title Suit No. 226 of 2020 whereby the petitioner's application for amendment of plaint under Order VI Rule 17 of the Code of Civil Procedure, 1908 has been rejected.

4. Mr. Banerjee, learned Advocate appearing for the petitioner submits that the petitioner has instituted a suit for eviction of the opposite parties treating them as trespassers.

5. Mr. Banerjee submits that at the time of preparation of affidavit of evidence-in-chief, it

came to light that there were some typographical mistakes in the plaint which required correction. By way of amendment the description of the suit property in the schedule of the plaint was sought to be changed from “one room” to “*two tile shed with brick wall rooms*”.

6. The learned Trial Court has rejected the petitioner’s application primarily on the ground that the same has been made after commencement of trial.

7. Mr. Banerjee submits that affidavit of evidence-in-chief had not been tendered at any point of time prior to the application of amendment being filed by the petitioner. It does not appear from the order impugned that the learned Trial Court has found that the affidavit of evidence-in-chief had been filed prior to the filing of the application of amendment and that being so, the conclusion reached by the learned Trial Court that the application for amendment had been filed upon commencement of trial is incorrect.

8. Moreover, it appears that the learned Trial Court has gone into the merits of the proposed claim sought to be introduced through amendment which is impermissible at the stage of deciding an application for amendment. The

merits of the proposed claim would be the subject matter of consideration at the time of trial of the suit.

9. For all the reasons aforesaid, the order dated October 03, 2024 is set aside. The learned Trial Court shall rehear the application for amendment in accordance with law as expeditiously as possible and preferably within a fortnight from the next date fixed, upon giving an opportunity of hearing to the opposite parties.

10. Since the suit is one for eviction and has been pending since 2020, the learned Trial Court is requested to expedite the hearing of the suit.

11. The petitioner shall serve a copy of this order upon the opposite parties.

12. C.O. 883 of 2025 stands disposed of with the above observations. There shall be no order for costs.

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

(Om Narayan Rai, J.)