

**Item No.
SL.3
8.1.26**

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side.**

CO 957 of 2025

**Pravas Chakraborty
Vs.
Sasadhar Purkait & Ors.**

***Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. A. Halder
Mr. A. Saha Ray
Ms. Bipasha Bhattacharyya
.... For the Petitioner.***

***Mr. Manojit Pal
Mr. A. B. Chakraborty ... For the O.Ps.***

The present revisional application has been instituted to challenge the propriety of the order dated 7th January 2025 passed by the learned Civil Judge (Junior Division), 3rd Court at Baruipur, District 24 Parganas (South), in Title Suit No. 99 of 2017.

By that order, an application filed on behalf of the defendant seeking amendment of the written statement was allowed.

Mr. Bhattacharya, learned Advocate representing the plaintiff/petitioner (hereinafter referred to as the petitioner), submits that by an earlier order dated 3rd June 2022, the same application preferred by the defendant for amendment of the written statement was allowed. The order dated 3rd June 2022 was challenged by

filing a revisional application being CO 3420 of 2022. By an order dated 9th February 2023, the said revisional application was allowed, the order dated 3rd June 2022 was set aside, and the matter was remanded back to the learned court below with a direction to consider the application for amendment afresh, taking note of the objections raised by the plaintiffs in paragraph nos. 8, 9 and 11 of their written objection to the application for amendment.

Mr. Bhattacharya, learned Advocate, submits that in the order impugned, the learned court below appears to have decided certain issues involved in the suit even before taking evidence. He submits that if it is clarified that the observations made in the order shall not influence the final decision to be taken at the time of disposal of the suit, the petitioner would be satisfied.

Mr. Pal, learned Advocate appearing for the defendants/opposite parties, submits that if such clarification is made, the opposite parties shall not stand in the way.

Heard the learned Advocates appearing for the respective parties and perused the materials on record placed before me.

As noticed previously, the order dated 19th February 2023 passed in CO 3420 of 2022 directed the learned court to consider the application for amendment afresh, taking note of the objections raised in paragraphs

8, 9, and 11 of the written objection filed by the plaintiff to the application for amendment.

The order impugned indicates that while passing the order under challenge in this revisional application, the learned court considered the objections raised in paragraphs 8, 9, and 11 of the written objection and observed that the issues of res judicata and limitation, as raised by the plaintiff in opposing the prayer for amendment of the written statement, are mixed questions of fact and law which will be decided after taking evidence. Similarly, it was also observed therein that the admissibility and reliability of the documents will also be decided when the document would be placed before the court for their acceptance as evidence.

I am of the view that these observations made in the order under challenge in the revisional application cannot be faulted with.

However, considering the submissions made on behalf of the parties, I am of the view that it is imperative to clarify that the observations made in the order vide Order No. 43 dated 7th January 2025 have been made solely for the purpose of disposal of the application for amendment, and such observations shall not influence the final decision to be taken at the time of deciding the suit finally after taking evidence.

The learned court below is requested to make a sincere report to dispose of the suit as expeditiously as

possible, without granting any unnecessary delay.

With these observations and order, the revisional application being C.O. 957 of 2025 is, thus, disposed of. There shall be no order as to the costs.

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

(Partha Sarathi Chatterjee, J.)