

13.04.2026
Item No.24 (DL)
Court No.06
AJ.

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

C.O. 1211 of 2026

Saraswati Press

-Vs-

Momota Roy Chaudhury & Ors.

Mr. Purbangshu Chandra Mitra,
Ms. Piyali Mitra,
Ms. Mahasweta Mukherjee,
Mr. Ashik Hossain.
.....for the petitioner.

1. This revisional application is directed against an order dated January 31, 2026 passed by the learned Judge, 2nd Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 03 of 2024 whereby the opposite parties' application for amendment of plaint under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 has been allowed and a date has been fixed for hearing of the opposite parties' application under Section 7(3) of the West Bengal Premises Tenancy Act, 1997.

2. By the said application, the opposite parties have sought to introduce certain paragraphs in the plaint *inter alia* as regards the owner's allocation, tenants' possession, receipt of notice, jurisdiction and Court fees. By the said amendment a prayer for damages and mesne profit has been introduced.

3. The learned Trial Court has allowed such amendment.

4. Learned Advocate appearing for the petitioner, submits that such amendment could not have been allowed inasmuch as the same amounts to changing the nature and character of the suit.

5. It is however not in dispute that all the said amendments have been carried out prior to commencement of trial in suit.

6. Having heard learned Advocate appearing for the petitioner and having considered the material-on-record, this Court is unable to find any infirmity, far less, jurisdictional error in the order impugned. The amendments introduced in the plaint are all explanatory and clarificatory in nature. The suit still remains one for eviction. The nature and character of the suit is therefore not changed. The amendment has been sought for at a stage when trial is yet to begin. In such view of the matter, no prejudice (not to speak of irreparable prejudice) would be caused to the petitioner.

7. In any case, the petitioner will get an opportunity to file written statement or additional written statement (as the case may be), of course subject to the condition that the opposite parties' application under Section 7(3) of the West Bengal Premises Tenancy Act, 1997 is not allowed. In case the opposite parties' application under Section 7(3) of the 1997 Act is allowed, no question of filing written statement will arise anyway.

8. In such view of the matter, no interference is called for with the order impugned.

9. C.O. 1211 of 2026 stands dismissed. There shall be no order as to costs.

10. 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.)