

28.01.2026
Court No. 06
Monthly List 326
January 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 1280 of 2025
Basudeb Banerjee & Anr.
-Versus-

Ratan Kumar Mukherjee & Ors.

Mr. Prasenjit Mukherjee,
Mr. Raja Roy,
Mr. Prosenjit Chongder
.....for the petitioners

1) The petitioners are aggrieved by an order dated January 30, 2025 passed by the learned Civil Judge (Junior Division), 1st Court, Rampurhat, Birbhum in connection with the Title Suit No. 188 of 2000.

2) The application under Order VI Rule 17 of the Code of Civil Procedure filed by the petitioners for amendment of the written statement was rejected. The petitioners are the defendant nos. 2 and 3 in the suit. The learned Court was of the view that the amendment of the written statement was filed after a lapse of 24 years from the filing of the written statement. The suit was at the stage of evidence since 2010 and after 14 years from the commencement of the evidence, the defendants were seeking to alter their narration. The defendant nos. 2 and 3 had not been able to satisfy the trial court that the new facts that they had sought to insert were not within their knowledge when they had submitted their written statement. It is not their case that subsequent events were sought to be

incorporated. Under such circumstances the application was rightly rejected.

3) I have perused the averments in the original written statement, in paragraphs 11 to 26 thereof. It appears that those paragraphs were sought to be deleted and paragraphs 11 to 30, being the schedule of the amendment were sought to be incorporated. From the defence case as narrated in the original written statement and in the amendment application, it appears to this Court that the averments made in paragraph 11 to 26 of the original written statement which were sought to be deleted, were actually the same as the schedule of amendment, but in a different language, and with further elaborations. After 20 years from the filing of the written statement and 14 years from commencement of evidence, the amendment application has been filed. The petitioners have not been able to demonstrate before the Court that any subsequent event had occurred during the evidence stage which were sought to be brought on record. It is also not the petitioners' case that vital issues or pleadings had been mistakenly left out, which ought to be incorporated in the pleadings for a complete and just decision in the matter. Rather, the same averments and the same defence case, are sought to be incorporated in a round about manner with further elaborations and explanations. The amendment is not necessary for proper adjudication of the dispute between the parties. The defence case has been adequately pleaded. The amendment is mala fide. There is no pleading in the amendment application that, despite due diligence the

petitioner was not in a position to disclose the facts narrated in the amendment application.

4) The order impugned is not interfered with. The learned Trial Court has exercised discretion and has rightly decided the matter by applying the law relating to amendment of pleadings after trial had commenced. Therefore the revisional application is dismissed without any order as to costs.

5) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)