

06.02.2026
SL No.80
Court No.6
(gc)

CO 1343 of 2025

Sri Soumitra Giri & Anr.
Vs.
Sri Goutam Manna & Ors.

Mr. Amit Baran Dash,
Ms. Ankana Sarkar

.....for the Petitioners.

Mr. N.C. Bihani, Sr. Adv.,
Mr. Soumyajit Ghosh

...for the Opposite Party Nos.1 & 2.

1. This is an application challenging the order dated 24th July, 2024 passed by the learned Civil Judge (Junior Division), 2nd Additional Court, Contai, Purba Medinipore in Title Suit No.244 of 2022. By the order impugned, the learned Court rejected an application for amendment of the plaint. The plaintiff wanted to incorporate subsequent events of dispossession from a part of the suit property and add a prayer for recovery of possession. The learned Court was of the view that the said application could not be allowed as the same was belated and had been taken out after trial had commenced.
2. Mr. Bihani, learned Senior Advocate opposes the said application on the ground that facts relating to dispossession were sought to be incorporated after one and half years from the date of the alleged dispossession. He submits that the allegations are false

and frivolous and, as such, the said amendment was rightly rejected.

3. It appears that issues have not been framed. Trial has not commenced. With regard to the objection of Mr. Bihani, this Court is of the view that if any claim or relief is barred by limitation, the same can be raised at the relevant time. The amendment sought for does not appear to be *ex-facie* barred by limitation. Here, limitation is a mixed question of law and fact as to the alleged dispossession. Secondly, the merits of the facts sought to be brought on record by way of an amendment must not be considered by the Court while considering the application for amendment.
4. Under such circumstances, the prayer for amendment is allowed.
5. The amended plaint shall be filed within a period of three weeks from the date of communication of this order. The Court shall fix a date for filing of the additional written statement to the amended plaint upon receipt of the plaint.
6. The suit shall be expedited.
7. Accordingly, the revisional application is disposed of.
8. There shall be no order as to costs.
9. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)