

01.04.2026
Item no. 26
Court no. 30
g.b.
266012

**CO 1794 of 2024
With
CAN 2 of 2025**

**Sanjay Kumar Panja
Vs.
Kabita Panja @ Kabita Khanra nee Purkait**

Mr. Sourabh Guhathakurata
Mr. Abhratanu Sarkar
Mr. Aftab Munshi
..... For the Petitioner

Mr. Syed Nurul Arifin
Mr. Subhrangsu Panda
Mr. Haritri Roy
Mr. Anupam Singha
Mr. Ratul Ghosal
.....For the Opposite Party

1. CAN 2 of 2025 is taken up for hearing along with revisional application.
2. The civil revision has been preferred challenging an order dated 10.04.2024 passed by Learned 6th Court of Civil Judge (Junior Division), Howrah, District – Howrah in Title Suit No. 911 of 2015, New numbered as T. S. No. 98 of 2015.
3. Vide the impugned order, the Learned Trial Court has allowed the defendant/opposite party's prayer for amendment of the written statement.
4. Being aggrieved, the present revision has been preferred.

5. On perusal of the copy of the application under Order VI Rule 17, CPC, it appears from the schedule, wherein the paragraph sought to be incorporated in the written statement is as follows:

"At page 11 before the end of paragraph no. 28 in line no. 3 after the statement "with his pending for disposal." the following may be inserted:-

"That the defendant submits that during pendency of the instant suit the present Plaintiff filed one writ petition before the Hon'ble High Court at Calcutta vide W.P. No. 9944 of 2018 wherein the defendant was made party as Respondent No. 9. In the said Writ Petition the present Plaintiff praying inter alia for demolition of illegal and unauthorized construction in respect of the suit property at 270, Makardaha Road, Shanpur, P.S- Dasnagar, under R.S. Dag No. 668 and Khatian No. 167 and 166 of Mouza- Shanpur, Ward No. 22, District- Howrah. The defendant further submit that the Writ Petition being No. 9944 of 2018 has been finally disposed of by Hon'ble Mr. Justice Saugata Bhattacharya by its Order dated. 03.08.2023 and the Defendant obtain the certified copy of the said order only on 21.08.2023 and/or perusal of the said order the defendant came to know that the present Plaintiff admitted that the after the death of Ratan Chandra Panja the Present Plaintiff got and acquired 1/3d share in respect of the property involved in the said Writ Petition who further admitted that the Present Defendant is the second wife of Ratan Chandra Panja and further admitted that the Present Plaintiff already transferred his 1/3d share in favor of the Present Defendant by executing a deed of Conveyance dated 23rd July, 2008 in respect of the suit property."

6. It appears from the nature of amendment prayed for, that it relates to an order dated 03.08.2023 passed by the High Court in W.P. 9944 of 2018. It further appears that the Court in said order has made certain observations. The Court has also recorded in the order, certain statements which was before the Court. The defendant submits that

they are in his favour and as such the amendment was necessary.

7. Learned counsel for the petitioner submits that subsequently the said order has been set aside by a Division Bench.
8. Learned counsel for the opposite party submits that even if it is set aside, the alleged admission made by the petitioner before the Writ Court, shall be of assistance to the defendant in the suit.
9. Though a certified copy of the said order, if produced before the Trial Court in course of adducing evidence would have been sufficient for the Court to take notice of the order, this Court finds that the amendment is restricted only to the order passed by the High Court and as such the same is a matter of record. The amendment has prima facie **not caused any prejudice** to the plaintiff/petitioner herein.
10. Accordingly, this Court finds no reason to interfere with the impugned order and the revisional application stands **dismissed**.
11. CO 1794 of 2024 stands disposed of along with CAN 2 of 2025.
12. All connected applications, if any, stand disposed of.
13. Interim order, if any, stands vacated.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all formalities.

(Shampa Dutt (Paul), J.)