

17.03.2026
Ct. No. 30
S.L. No. 41
SM

CO 2690 of 2024
Rishi Kant Jaiswal
Versus
Subhas Jaiswal & Ors.

Mr. Partha Pratim Roy
Mr. Gulam Karim Chowdhury
Mr. Anirban Saha Ray
.....for the petitioner
Mr. Souvik Mitra
Ms. Disha Roy
.....for the respondent no. 3

1. The civil revision has been preferred challenging an order being no. 70 dated 20.06.2024 passed by the learned Judge, 2nd Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No. 88 of 2014.
2. Vide the impugned order the trial Court has rejected the petitioner's application under Order 6 Rule 17 CPC praying for amendment of the plaint in a suit for eviction.
3. The petitioner's prayer for amendment was to the extent that the petitioner had recently come to know that the defendant no. 1/tenant had acquired a property and as such as the suit is for eviction of a tenant, the ground that the defendant has an alternative accommodation is a pleading vide which, further right/ground accrues to the plaintiff in the suit.
4. It is the plaintiff's case that he was not aware of the said property purchased by the

defendant/tenant and immediately on coming to know of the same, the plaintiff/petitioner has made the prayer for amendment.

5. Considering the grounds as stated this Court finds that the said amendment as prayed for is necessary and the cause shown for the said prayer for being made amendment at a belated stage is sufficient and is thus accepted.

6. Accordingly, the impugned order dated 20.06.2024 passed by the learned Judge 2nd Bench, Presidency Small Causes Court, Calcutta being not in accordance with law is hereby set aside. The application under Order 6 Rule 17 CPC filed by the plaintiff/petitioner is thus allowed.

7. The plaintiff/petitioner is permitted to file an amended copy of the plaint and the Trial Court shall give an opportunity to the defendant/opposite party herein, to file their additional written statement, and then proceed to hear the suit expeditiously.

8. Revisional application stands disposed of.

9. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]