

19.03.2026

Sl. No. 20

Ct.No. 32

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 3316 of 2025

Sk. Faiyaj & Ors.

Vs

Pratima Pal

Mr. Mrinal Kanti Ghosh

Mr. A.K. Saha

...for the petitioners

1. The instant revisional application has been filed by the petitioners/defendants under Article 227 of the Constitution of India, challenging the order dated 18.09.2024 passed by the learned Civil Judge (Junior Division) 4th Court at Howrah, in Title Suit No. 1122 of 2022.
2. By the said impugned order, the Trial Court has allowed an application filed under Order 6 Rule 17 of the Code of Civil Procedure filed by the plaintiff on contest, but without any order as to cost. Plaintiff was further directed to file an amended plaint in the meantime. The next date was fixed on 09.01.2025 for extension, injunction hearing, and hearing of the petition under Order 8 Rule 1A, under Order 7 Rule 11(d) of the Code of Civil Procedure, and taking fresh steps against the defendant no. 1.

3. Learned counsel for the Defendants/Petitioners submits that the trial court should not have allowed the application, since one suit is pending before the Hon'ble High Court at Calcutta being GA /251/ 2024 in CS /978/1935 seeking the registered deeds in respect of the suit property to be declared null and void and, at the same time, plaintiff also filed a Title suit praying for declaration of permanent injunction against the defendants on the similar property. The defendant has filed a written statement to the plaint and objection to the said injunction application, but the Trial Court, without considering the facts, allowed the application filed under Order 6 Rule 17 of the C.P.C.

4. Having heard the submission of the learned counsel and upon perusal of the materials on record, it appears that the plaintiff has filed the suit for permanent injunction against the defendants on different cause of action and in support of his contention plaintiff has filed some documents by way of Firisti, wherefrom it appears that the Hon'ble High Court at Calcutta has held that the joint receivers were directed to sell the joint estate of Jundu Chowdhury to Chandi Real Estate of Jagdishpur, Howrah. However, the joint

receivers have sold the property to the defendants and others in violation of the direction of the Hon'ble Court. Accordingly, a restraining order has been passed by the Hon'ble Court. Therefore, such a fact is required to be incorporated in the Title Suit by way of amendment as per the schedule. Such an amendment would not change the nature and character of the Title Suit, as held by the learned trial court.

5. This court is of the opinion that the aforesaid fact is essential to incorporate in the suit filed by the plaintiff by way of amendment under Order 6 Rule 17 for proper and effective disposal of the suit. Such an amendment would not change the nature and character of the suit. Therefore, the order impugned does not suffer from any perversity or error in finding or allowing the application of Order 6 Rule 17 of the Code of Civil Procedure. Therefore, the order impugned calls for no interference by this court.

6. With the above observations, the revisional application being **C.O. No. 3316 of 2025** is, thus, **dismissed** without order as to costs.

7. Connected applications, if any, are also, thus, disposed of.

8. Let a copy of this order be communicated to the Trial Court for information.
9. All parties are to act in terms of the copy of this order downloaded from the official website of this court.

(Ajay Kumar Gupta,J.)