

14.05.2026
Item No.2 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 4542 of 2025

**Balla Satyavati
-Vs-
Balla Kiran Kumar & Ors.**

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Anirban Saha Roy.
.....for the petitioner.

Mr. Kushal Chatterjee,
Mr. Sibashis Chowdhury.
.....for the opposite parties.

1. This revisional lays challenge to an order dated December 03, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court at Barrackpore 24-Parganas (North) in Ejectment Suit No. 33 of 2015 whereby the defendant/opposite party no.1's application seeking leave to file additional written statement has been allowed upon payment of costs of Rs.1,500/-.

2. On June 01, 2023 the petitioner filed an application for amendment of plaint under Order VI Rule 17 of the Code of Civil Procedure, 1908. Such application was allowed by the learned Trial Court by an order dated July 10, 2023. The petitioner filed her amended plaint on July 26, 2023 whereafter the suit has progressed to the stage of evidence as aforesaid.

3. The petitioner being the plaintiff no.1 along with others instituted Ejectment Suit No. 33 of

2015 for recovery of possession of the suit property upon eviction of the opposite party no.1 therefrom inter alia on the ground of reasonable requirement and default.

4. The opposite party no.1 has been contesting the said suit by filing written statement. The suit is presently at the stage of evidence and the defendant's witness being D.W. 3 is to be examined.

5. At the stage when D.W. 3 was about to be examined, the opposite party no.1 filed an application seeking leave to file additional written statement to the amended plaint. Such leave has been granted by the order impugned. Hence the revisional application.

6. Mr. Bhattacharya, learned Advocate appearing for the petitioner submits that the order impugned could not have been passed at all in the facts and circumstances of the present case. He submits that the amended plaint was filed as far back as on July 26, 2023. The opposite party no.1 kept silent for all these days and woke up from slumber only in the year 2025 when the plaintiff's witnesses had been examined and cross-examined in full and the D.W.3 was about to be examined. He submits that such remissness on the part of the opposite party no.1 ought not to have been lightly condoned by the learned Trial Court. He further

submits that such an act would derail the trial that has now commenced.

7. Mr. Chatterjee, learned Advocate appearing for the opposite parties submits that at the time when the amended plaint was accepted by the learned Trial Court, neither any liberty was reserved to the opposite party no.1 nor any time was fixed for the opposite party no.1 to file additional written statement in response to the amended plaint.

8. He submits that the opposite party no.1 has while preparing its affidavit-in-chief, dealt with the petitioner's pleadings in the amended plaint but at the time where the examination of the D.W. 2 was scheduled, the opposite party no.1 realised that the examination-in-chief would be bereft of pleadings since the additional written statement in response to the amended plaint had not been filed.

9. He submits that since the learned Trial Court had not fixed any time frame and had not reserved any liberty to the opposite party no.1/defendant to file additional written statement, there was no occasion for the opposite party no.1 to file such written statement at any point of time earlier.

10. Heard the learned Advocates appearing for the respective parties and considered the material-on-record.

11. It is evident from the order impugned that by way of amendment of the written statement, the petitioner has introduced pleadings, as regards further reasonable requirement of the petitioner in support of the petitioner's case for eviction of the opposite party no.1. The learned Trial Court has found that it would be necessary to give opportunity to the opposite party no.1/defendant to controvert the contentions of the plaintiffs as the plaintiffs had introduced new facts in the plaint through amendment.

12. In such view of the matter, this Court is of the opinion that such finding may not be disturbed. However, there is sufficient force in the submission of Mr. Bhattacharya that the belated prayer made by the defendant/opposite party no.1 to seek liberty to file additional written statement might have the effect of derailing the trial.

13. In such view of the matter, while this Court is not interfering with the portion of the order whereby the opposite party no.1's written statement has been allowed to be accepted, this Court observes that the opposite party no.1 shall not be allowed to recall any of the witnesses on the ground of the amended written statement having been filed more so since, it is the opposite party no.1's case that the amended pleadings in the plaint have already been dealt with in the

examination-in-chief filed on the behalf of the opposite party no.1.

14. The evidence shall continue from the stage of D.W. 3 as it was scheduled on the date when the order impugned dated December 03, 2025 was passed. Since there has been substantial delay on the part of the defendant in seeking leave to file written statement, notwithstanding there being no order of the learned Trial Court specifying the date within which such written statement could be filed, the costs imposed by the learned Trial Court shall be enhanced to a sum of Rs.10,000/-. Such costs shall be paid on the next date in the suit after today to the learned Advocate appearing for the petitioner before the learned Trial Court.

15. It is submitted by the learned Advocate appearing for the parties that the additional written statement has already been filed and is on the record of the learned Trial Court. If costs as aforesaid are paid, the said written statement shall be accepted.

16. Since the suit is one for eviction and is of the year 2015, the learned Trial Court is requested to expedite the hearing of the suit and dispose of the same as expeditiously as possible and preferably within a period of six months from the next date fixed without granting any unnecessary adjournment to either of the parties.

17. With the above observations, C.O. 4542 of 2025 stands disposed of.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)