

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

**Present:
The Hon'ble Justice Debangsu Basak**

CO 230 of 2025

**Anil Kumar Agarwal
Vs.
Nav Durga Barter Private Limited**

For the Petitioner : Mr. Suresh Kumar Mitruka, Advocate
Mr. Aayush Mitruka, Advocate
Mr. Sujit Swami, Advocate
Ms. Shruti Yadav, Advocate

For the opposite party: Mr. Saptansu Basu, Ld. Sr. Advocate
Mr. Rajat Das, Advocate
Ms. Anumita Lahiri, Advocate

Heard & Judgment on: **January 8, 2026**

DEBANGSU BASAK, J.:-

1. Revisional application is at the behest of the defendant and directed against Order No.48 dated November 14, 2025 passed in Title Suit No.71 of 2016.
2. Learned Advocate appearing for the petitioner submits that, the suit is of 2016. There is a direction by the High Court passed in 2022 requiring the suit to be disposed of within six months. The suit is yet to be disposed of.

3. Learned Advocate appearing for the petitioner submits that, in a suit for specific performance, the plaintiff/opposite party sought to amend the plaint. Three successive applications for amendment were filed. Two of the applications were not pressed. The third application was allowed by the impugned order.
4. Referring to the quality of the amendments sought for by the plaintiff/opposite party, the learned Advocate appearing for the petitioner submits that, the plaintiff essentially sought to give up its claim with regard to Schedule-B property while amending reliefs relating to Schedule-A property. He submits that, the suit was in the Peremptory Hearing Board where the amendment application was filed. Learned Trial Judge did not take such aspects into consideration while allowing the petition for amendment.
5. As noted above, the learned Trial Judge allowed an application for amendment.
6. Amendment prayer was made at the behest of the plaintiff/opposite party. Although, the suit is pending since 2016 and although, there exists an order of the High Court requiring the suit to be disposed of within six months from the date of the order of 2022, evidence in the suit is yet to commence.
7. As noted above, the parties are yet to commence adducing evidence at the trial of the suit. At this stage, the three applications for amendments

were considered by the learned Trial Judge and one of them was allowed with the other two not being pressed by the plaintiff/opposite party.

8. It is trite law that, amendment to the pleadings can be allowed at any stage where the plaintiff seeks to amend the plaint and that such amendment does not alter the nature and character of the suit.
9. Amendments allowed by the learned Trial Judge do not, in the facts and circumstances of the present case, alter the nature and character of the suit. The suit continues remain one of specific performance subsequent to its amendment. There are two schedules to the plaint. One of the schedules is given up by the plaintiff. Reliefs with regard to the other schedule property are sought to be modulated.
10. In such circumstances, I find no material irregularity in the impugned order warranting interference by the High Court.
11. **CO 230 of 2025** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)