

06.05.2026
Item No.19 (DL)
Court No.06
AJ.

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

C.O. 1237 of 2026

Mintu Mondal & Ors.

-Vs-

Hazi Sk. Arpan Ali & Ors.

Mr. Gour Baran Sau.

.....for the petitioners.

Mr. S.T. Mina,

Mr. P. Sardar.

.....for the opposite parties.

1. This revisional application assails an order dated December 04, 2024 passed by the leaned Civil Judge (Junior Division), 4th Court at Howrah in Title Suit No. 1904 of 2015 whereby the petitioners' application for amendment of plaint under Order VI Rule 17 of the Code has been rejected.

2. Learned Advocate appearing for the petitioners submits that the learned Trial Court has dismissed the suit on the ground of maintainability and has also dismissed the petitioners' application under Order VI Rule 17 of the Code on the same day by a common decision.

3. He submits that as against the decree of the dismissal of the suit holding the suit to be not maintainable, on the ground of lack of jurisdiction, the petitioners have already preferred an appeal being Title Appeal No. 13 of 2025 before the learned Appellate Court. It is submitted that such decree

was passed upon framing a preliminary issue under Order XIV Rule 2(2) of the Code of Civil Procedure, 1908.

4. He further submits that this revisional application assails the order whereby the application for amendment of the plaint has been rejected.

5. The revisional application is clearly not maintainable. Once the suit itself has been dismissed, the pending interlocutory application for amendment of plaint lost life immediately.

6. In such view of the matter, C.O. 1237 of 2026 is not entertained. The same stands dismissed. No costs.

7. 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.)