

13.04.2026
Item No.22 wt.23
Court No. 30
MKP

CO 1876 of 2024
With
CO 2732 of 2024
CESC Ltd
-Vs-
Sri Mannu Hela And Ors

Mr. Debanjan Mukherjee
..... for the Petitioner(CESC Ltd)

Mr. Souradipta Banerjee
.....for the O.P/Respondent

- 1.** The two revisions have been preferred being aggrieved by the (two) orders passed by the Trial Court.
- 2.** One, allowing an application under Order 6, Rule 17 CPC, vide an order dated 14.09.2023, wherein the Court, considering the fact that the petitioner till then had not filed his written statement, as they had just entered their appearance, allowed an application under Order 6 Rule 17 C.P.C. filed by the plaintiff/opposite party herein.
- 3.** Learned Counsel for the petitioner submits that as they had already entered appearance, they had a right of hearing in respect of the

amendment prayed for, which was extensive in nature.

- 4.** Learned Counsel for the opposite party submits that the said amendment was only in respect of subsequent developments and had been allowed as the defendant/petitioner till then had not filed written statement.
- 5.** Learned Counsel for the petitioner, in the second revisional application, has challenged an order dated 20.06.2024, vide which the Learned trial Court had accepted the amended plaint, well beyond the statutory period, in spite of directing the same.
- 6.** On hearing the Learned Counsel for the parties and on perusal of materials on the record, the impugned orders herein are set aside in the interest of justice, with a direction upon the Trial Court to hear the application under Order 6 Rule 17 C.P.C., afresh by permitting the defendant/petitioner herein, to file his written objection to the said application. The written objection be filed within 15(Fifteen) days from the date of this order, and application be disposed of by the Trial Court within 1(one)month, thereafter, on hearing both the parties.

7. It is made clear that this Court has not gone into the merit of the case.

8. The civil revision stands **disposed of**.

9. Applications, if any, connected thereto stand disposed of consequently.

10. Interim order, if any, stands vacated.

11. 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.)