

07.05.2024
Sl. No.118(ML)
srm

C.O. No. 3719 of 2023

Smt. Boni Saha & Anr.

Versus

Dr. (Mrs) Mokshada Goswami

Mr. Sundar Gopal Bhattacharyya

...for the Petitioners.

Liberty is granted to the learned Advocate-on-record for the petitioners to correct the cause title and the prayer portion, here and now.

The revisional has been filed challenging an order dated August 2, 2023 passed by the learned Civil Judge (Junior Division), 4th Court at Alipore, South 24-Parganas, in Ejectment Suit No.156 of 2007.

It appears that the plaintiffs' prayer for amendment was allowed only in part and the pleadings sought to be incorporated with regard to an elaboration on the ground of reasonable requirement, was rejected.

Such order was sought to be recalled by the plaintiffs after the amended plaint was filed incorporating the entire schedule of amendment. Mr. Bhattacharyya submits that such step was taken by inadvertently overlooking the order. Such application was rejected. The learned court was of the view

that paragraph 9 to 13 of the schedule should not be allowed as those paragraphs deal with the reasonable requirement of the plaintiffs' family and the family structure of the plaintiff and the defendant were sought to be incorporated.

Prima facie, this appears to be erroneous as the change of the family structure will determine the requirement. Both reduction or increase in the number of family members would have a direct relation to requirement of the plaintiff.

There shall be stay of operation of the order impugned as also all further proceedings in Ejectment Suit No.156 of 2007, which is pending before the learned Civil Judge (Junior Division), 4th Court at Alipore, South 24-Parganas, up to September 30, 2024, or until further orders whichever is earlier.

A copy of the revisional application be served upon the opposite parties as also upon the learned Advocate for the opposite parties in the learned court.

Affidavit of service to be filed on the next date.

Let this matter appear in the daily list on **August 1, 2024** at **3.00 pm**.

(Shampa Sarkar, J.)