

27.03.2024
Ct. No. 19
Sl. No.100
Cp

C.O. No. 4464 of 2023

Sri Sunil Kumar Mondal
Vs.
Sri Bamdeb Mondal & anr.

Mr. Souvik Das
Mr. K. R. Ahmed
Mr. S. Santra

.....for the petitioner.

As there is no caveat, the matter can be taken up for initial hearing.

It appears that the learned Civil Judge(Sadar Court), Suri, Birbhum rejected an application for amendment of the plaint on the ground that the amendment would change the nature and character of the suit. Prima facie, from the Schedule of Amendment, it appears that the prayer portion was sought to be amended by incorporating a further prayer for recovery of possession. Some corrections and further elaboration of the plaint case was sought to be introduced by way of amendment. It also appears that issues have not been framed. This court is of the prima facie view that the amendment would not change the nature and character of the suit.

Let there be stay of all further proceedings in Title Suit No. 148 of 2016, which is pending before the learned

Civil Judge (Sadar Court), Suri upto July 31, 2024, or until further orders whichever is earlier.

Let a copy of the revisional application along with the server copy of this order be served upon the opposite parties and the learned advocate appearing on behalf of the opposite parties in the learned court below.

Affidavit of service to be filed on the next date.

Let this matter appear in the monthly list of June, 2024, under the heading “Urgent Motion”.

(Shampa Sarkar, J.)