

Item
No.08

17.12.2025

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

Ct
04

C.O. 220 of 2025

RUP

Chakra Roy & Anr.

Vs

Smt Shantilata Roy & Ors.

Mr. Bhaskar Roy Mahasaya,
Ms. Ambilika Ghosh.

... For the petitioners.

Learned advocates for the petitioner are present.

Heard the learned advocate for the petitioners.

This application is directed against the order dated 07.11.2025 passed by the Learned Civil Judge (Senior Division), Sadar Jalpaiguri in Title Suit No. 68 of 2017.

The petitioners were the plaintiffs in the said suit being aggrieved by the order of the Learned trial Judge in refusing his prayer for amendment has come up with the instant application.

Perused the petition filed and material on record.

Upon hearing the learned advocate for the petitioners it appears that petitioners/plaintiffs filed an application for amendment when the suit was at the stage of trial and evidence of defendants was continuing.

The ground furnished by the plaintiffs was that the subsequent development of the transfer of

certain portion of the suit lands by the defendant was not within the knowledge of the plaintiffs. Although the Order VI Rule 17 proviso states that no application for amendment shall be allowed after the trial has commenced unless the courts comes to the conclusion that in spite of the due diligence the party could not have raise the matter before the commencement of the trial but considering the nature of the suit all parties are co-sharer and have interest in the suit property and considering the ground furnished, this court is of the view that this application should be admitted. Thus, I admit this application.

Let a notice be issued upon the opposite parties within one week and affidavit of service be filed forthwith.

Let the matter appear before the next available Circuit.

Pending hearing of this application, there shall be stay of further proceeding in Title Suit No. 68 of 2017 pending before the Learned Civil Judge (Senior Division), Sadar Jalpaiguri for a period of four weeks.

(Biswaroop Chowdhury J.)