

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA No. GA/5/2025

In

CS/5/2025

MAMATA BASU

VERSUS

ANJALI DEY AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 19th November, 2025.

Appearance:

Mr. Anirban Bose, Adv.

Mr. Suvadeep Sen, Adv.

Mr. Satyajit Senapati, Adv.
For the plaintiff/petitioner.

Mr. Dhiraj Trivedi, Sr. Adv.

Mr. Bikash Kumar Singh, Adv.
For the defendant nos. 4 to 6.

Mr. Debnath Ghosh, Sr. Adv.

Mr. Meghnad Dutta, Adv.

Mr. S. Rudra, Adv.
For the defendant nos. 1-3.

The Court: This is an application, inter alia, for amendment of plaint under the provisions of Order VI Rule 17 of the Code of Civil Procedure, 1908 (in short, 'CPC'). Although an opportunity was given to the defendants for filing affidavits but the defendants have chosen not to file any. The matter is taken up for consideration without the affidavits being filed.

After going through the proposed amendment, I find that the same relates to the shares of the parties in a suit for declaration and injunction. The

Courts have consistently held that an amendment application has to be considered leniently as inclusion of an amendment as proposed does not ipso facto prove the statements and /or allegations contained therein. The only caveat is that the amendment should not change the nature and character of the proceedings or permit a party to withdraw from an admission already made.

After considering the proposed amendment, I find that the shares of the parties as indicated in the plaint is now sought to be amended. The shares as indicated by the plaintiff in the plaint as also in the proposed amendments are based on the perception of the plaintiff. At the trial, the shares of the parties, if necessary, have to be gone into. At that stage, the Court will be giving a finding in respect of the shares of the parties after considering the claim made by the plaintiff's and the counterclaim, if any by the defendants. The proposed amendments as indicated in red ink in a copy of the plaint being Annexure-C to this application are allowed as the same will neither change the nature and character of the suit or will take away any admission already made. The claim sought to be introduced does not attract the limitation.

The department is directed to carry out the amendments within a period of fortnight from date.

The parties shall co-operate with the department for carrying out the amendments. Once the amendments are carried out, the plaintiff shall be entitled to re-verify and re-affirm the plaint. On re-affirmation and re-verification of the plaint, a copy of the amended plaint shall be served on the advocate for the defendants.

Nothing further remains to be adjudicated in this application.

The application being IA No. GA 5 of 2025 in CS No. 5 of 2025 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)

snn.