

OD-12

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA NO. GA/5/2024
In CS/29/2024

BROADWAY CENTRE
Vs
SATISH KANT JINDAL AND ANR.

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 23rd July, 2025

Appearance:
Mrs. Arunima Lal Sengupta, Adv.
Mr. Suman Majumder, Adv.
...for the plaintiff

Mr. Uday Sankar Bhattacharya, Adv.
Ms. Sudeshna Basu Thakur, Adv.
Ms. Banani Bhattacharya, Adv.
Mr. Saptarshi Roy, Adv.
...for the defendant

The Court:- GA/5/2024 is filed praying for amendment of the written statement as detailed any proposed amendment. It was pleaded that certain facts came to the knowledge of the petitioner defendant subsequent to filing of the written statement, as a result of which those facts could not have been pleaded or incorporated in the written statement.

The Learned Counsel for the plaintiff respondent vehemently objected to the proposed amendment because of the fact that the proposed amendment will introduce new dispute between the parties; the present defendants are trespassers and they cannot question the title of the plaintiff.

The issue here is whether the written statement could have incorporated those proposed amendments. It is averred and it is not denied specifically that

the facts came to the knowledge of the defendant subsequent to filing of the written statement. Amendment of written statement may be liberally allowed as it is well settled principle of law. But allowing an amendment does not mean that legal as well as factual aspects of these amendments are considered favorably. Legality as well as veracity of these pleadings are yet to be proved in trial.

In a nutshell, the proposed amendments are allowed.

Written statement may be amended and reverified.

Accordingly, prayers (a) to (e) of the Master's Summons are allowed.

Department is directed to do the needful.

GA/5/2024 stands disposed of.

The suit will appear in the list on 19th August, 2025 for further orders.

(SUGATO MAJUMDAR, J.)