

IN THE HIGH COURT AT CALCUTTA
ADMIRALTY JURISDICTION
(COMMERCIAL DIVISION)
ORIGINAL SIDE

IA NO. GA-COM/4/2024
IN
AS-COM/7/2024

PATANJALI FOODS LTD.
VS
M. T. ERAWAN 12 (IMO NO.9301366) AND ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 28th July, 2026.

APPEARANCE:

Mr. Prathamesh Kamath, Adv.
Ms. Rituparna Chatterjee, Adv.
Ms. Khushboo Choudhary, Adv.
Mr. Ratul Das, Adv.
Mr. Boddhisatwa Majumdar, Adv.
Ms. Megha Yadav, Adv.
. . . For plaintiff
Mr. Krishnaraj Thaker, Sr. Adv.
Mr. Rohit Mukherji, Adv.
Mr. Satyaki Mitra, Adv.
. . . For the owner of the vessel.

THE COURT: This is an application for amendment of the plaint. It is unfortunate to notice that the Advocate through whom the suit was instituted did not take due care and diligence to have the concise statement and the prayers incorporated in correct form and manner. The plaint was presented for being admitted on 18th October, 2024. The Court in the said order specifically granted leave to the plaintiff to cure the defects which were pointed out by the department.

The plaintiff has taken out this application on 9th December, 2024. The first order appears to have been passed on 11th December, 2024 which contains the direction to file affidavits. This order is followed by a further order dated 6th February, 2025 when the matter was directed to appear on 24th February, 2025. The next order appears to be dated 8th June, 2026.

Be that as it may, the amendments shown in red ink in a copy of the plaint annexed to this application being Annexure 'C' thereof do not change the nature and character of the suit or an attempt to withdraw any admission already contained in the plaint. The amendments sought for basically are formal in nature. Leave under Order II Rule 2 of the Code of Civil Procedure, 1908 (in short 'CPC') though was not included in the prayers but in the order dated 18th October, 2024 such leave was granted.

The amendments as shown in red ink in a copy of the plaint being Annexure 'C' to this application are allowed. The department is directed to carry out the amendments within two weeks from the date of communication of this order. The plaintiff/applicant shall render all cooperation to the department for carrying out the amendments. After the amendments are carried out, the applicant shall be at liberty to re-verify and re-affirm the plaint. Immediately after the amendment of the plaint is complete, the plaintiff/applicant is directed to serve a copy of the amended plaint on the defendant and/or its Advocate.

The plaintiff is also granted leave to file Statement of Truth afresh in the correct format and with the amended cause title and to file the list of

documents under Order XI Rule 1(1) and (2) of CPC within a fortnight from the re-verification and re-affirmation of the plaint in the department.

Nothing further remains to be adjudicated in this application.

The application being GA-COM 4 of 2024 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)

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