

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10082/2001

(From the judgement and order dated 01/03/2001 in CO/CR 2089/94  
of The HIGH COURT OF CALCUTTA)

LAKSHMAN CHANDRA SENAPATI & ORS.

Petitioner (s)

VERSUS

BELA RANI HAZRA

Respondent (s)

( With Appln(s). for exemption from filing c/c of the impugned  
Judgment and with prayer for interim relief)

Date : 12/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr.Rana Mukherjee,Adv.,  
Mrs. Sumita Mukherjee,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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.SP2

The High Court refused to interfere under Section 115 C.P.C. with the order passed by the trial court permitting the respondent to carry out the amendment of the plaint beyond stipulated time. Leave to amend was granted earlier. It is true that the reason given by the High Court that a distinction has to be drawn between an order granting leave to amend the plaint and an order allowing amendment by incorporation, is erroneous. However, as the trial court rightly granted extension of time for carrying out the amendment, we do not think that this would be a fit case for interference under Article 136 of the Constitution. Hence, this petition is rejected. Time to file additional written statement is extended upto 30.9.2001.

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(Vijay Kumar Sharma)  
Court Master

(K.K. Chadha)  
Court Master