

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

C.O. 2559 of 2022

Smt. Aloka Naskar & Ors.

Vs.

Sri Tapas Bodak & Ors.

Mr. Avishek Das

Mr. Shounak Mukhopadhyay

... For the Petitioner.

Learned Advocate for the petitioner is present.

None appears on behalf of the opposite party.

Heard the learned Advocate for the petitioner.

This application is directed against an order dated 1st August, 2022 passed by the learned Civil Judge(Junior Division), 5th Court, Howrah in Title Suit No. 17002 of 2014.

Learned Judge by the said order has refused the prayer for amendment sought for by the petitioner/plaintiff on the ground that there was no diligence on the part of the plaintiff with regard to the said amendment and the same was made after the trial commenced.

S.D. Learned Advocate for the petitioner submits that the learned Judge while disposing of the application under Order I, Rule 10 of the Civil Procedure Code was pleased to allow the same and add ADSR, Ranihati and DSR, Howrah as party to the suit and as a result of which the trial cannot be proceeded with unless the written

statement is filed by the added parties and subsequent issues are framed.

Learned advocate further submits that they are the substituted plaintiffs and the original main records were lying with the original plaintiffs since deceased. Learned Advocate submits the issue involves forgery and which is the main issue and the same if not decided would cause injustice to his clients.

Upon perusing the petition and upon hearing the learned advocate and considering the facts of the case and a judicial decision relied upon by the learned Advocate, this Court is of the view that this application should be admitted.

Thus I admit the application.

The petitioner is directed to serve a copy of the application upon the opposite parties by 7th September, 2022 and file an affidavit of service to that effect.

There shall be stay of all further proceedings in Title Suit No. 17002 of 2014 before the learned court below till two weeks after the Puja Vacation.

The matter shall appear in the list one week after the Puja Vacation under the heading 'contested application'.

(Biswaroop Chowdhury, J.)

