

**Murari Mohan Kejriwal Vs. Ramesh Kumar Kejriwal and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/1161939](http://sooperkanoon.com/1161939)

**Court :** Kolkata

**Decided On :** Aug-13-2014

**Judge :** I. P. Mukerji

**Appellant :** Murari Mohan Kejriwal

**Respondent :** Ramesh Kumar Kejriwal and ors.

**Judgement :**

CS No.222 of 2009 GA No.565 of 2014 IN THE HIGH COURT AT CALCUTTA ORDINARY ORIGINAL CIVIL JURISDICTION Murari Mohan Kejriwal Versus Ramesh Kumar Kejriwal & ORS.Before: The Hon'ble Justice I.P.MUKERJ.Date: 13h August 2014 Appearance: Mr.Moloy Ghosh, Advocate Mr.Devojoyoti Bhattacharya, Advocate Mr.Surajit Sen, Advocate Ms.Nairita Datta Choudhury, Advocate for the plaintiff Mr.Subhasis Sengupta, Advocate Mr.S.R.

Karnani, Adovcate Mr.Sounik Kundu, Advocate for defendant Nos.1 & 2 Mr.Kausik Banerjee, Advocate for proforma defendant The Court: This is an amendment application.

It is taken out by the plaintiff.

Having gone through the proposed amendments, I am of the view that these proposed amendments provide the necessary details to the existing pleadings.

They highlight the subject matter of the dispute without changing it.

The decree originally claimed was interest or damages.

By the proposed amendments, an additional claim has been included asking for inquiry into the damages suffered.

I am also of the opinion that if the amendments are allowed it would resolve the real controverRs.between the parties and save them the trouble of contesting another suit.

I take note of the judgment cited on behalf of the fiRs.and second defendants reported in (2009) 10 SCC84(Revajeetu Builders And Developers versus Narayanaswamy And Sons And Others).This application for amendment is allowed by passing orders in terms of prayers (a) and (b) of the application.

The amendment has to be carried out within three weeks of communication of this order and reverification of the plaint within a further period of two weeks.

Let the amended copy of the plaint be served by the applicants advocate-on-record upon the advocate-on-record for the defendants.

The defendants will be permitted to file their additional written statement by 28th November 2014.

I make it clear that all the questions with regard to the merits of the controverRs.are kept open.

Let the suits (CS No.312 of 2009 and CS No.313 of 2009) appearing in the monthly list of August, 2014 be adjourned to the monthly list of December, 2014.

Certified photocopy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(I.P.MUKERJI, J.) R.

Bose AR(CR)

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