

**In the Court of the Sub Judge-II, Benipur**  
**Present:- Pranav Kumar Bharti**

**Title Suit No.-180 of 2012, Registration No.-1773/14**  
**Kashi Choudhary vs. Smt. Sunita Devi & Others**

**25-08-2022**

Case is called out and record is produced before me. Plaintiff is in attendance through their learned counsel while defendants are absent. On perusal of the case record, it appears that this instant suit fixed for order on petition dated-28.06.2022 filed on behalf of the Plaintiff U/O-VI, Rule-17 of the C.P.C. In this petition, it is submitted that due to mistake scribe certain mistake cropped in the plaint which requires to be corrected. It is further submitted that the amendment sought for does not change the nature of the suit. In this case, defendant didn't appear and some of the defendants appeared but they didn't file the W.S. and they have been debarred from the same and ex-parte proceedings is going on against the defendants. In the interest of justice, it is highly essential to amend the plaint as detailed below.

No rejoinder petition has been filed on behalf of the defendants.

Heard both Ld. counsel of plaintiff and nobody turned on behalf of the defendants. Perused the case record. On hearing and perusal of the case record, it transpires to the Court that this instant suit has been brought by the plaintiff against seven defendants on 05.10.2012. After admission, summon was issued against the defendants and defendant no.-4 to 7 appeared in the suit on 22.08.2013, but they didn't file the Written statement and they have been debarred from filling the W.S. on 23.01.2014. It further appears that plaintiff was directed to get the notice published in the local Hindi news paper and despite publication, defendant no.-1,2 & 3 didn't appear in the Court, the ex-parte proceedings was initiated against them on 28.08.2017. It further appears that since 14.09.2017 to 28.05.2018, this instant suit has been pending for ex-parte hearing(evidence). It further appears that since, 19.06.2018 instant suit has been pending for argument of the plaintiff, but nobody turned up on behalf of the plaintiff for argument and meanwhile a petition for amendment in pleading has been filed on behalf of the plaintiff on 28.06.2022 and after hearing the same is fixed for order.

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continued.....

In this petition, submission of the plaintiff is that due to clerical mistake some facts are left to be mentioned in the plaint and due to this, some ambiguity and discrepancy have been occurred in the plaint which requires amendment in the plaint. On perusal of the case record, it appears that none of the defendants is doing pairvi and this suit fixed for argument while the instant petition was filed. The proposed amendment keeps relevancy in the suit for determination of real question in controversy between the parties. So, it is necessary to add it in the plaint. It appears to the Court that proposed amendment in the plaint as prayed by the plaintiff are simple in nature. Thought, proposed amendment has been brought at the belated stage while this suit is pending for argument, but the same is necessary to remove the vagueness of the plaint and the proposed amendment will not change the nature of the suit or cause of action.

Thus, having considered the fact and circumstances and stage of the record, petition dated-28.06.2022 filed on behalf of the plaintiffs is allowed with cost of Rs.-500 and the petition dated-28.06.2022 is disposed of as accordingly. Plaintiff is directed to amend the plaint accordingly within 20 days from this order. Further, defendants may file additional W.S. if they want within 20 days of such amendment. The sum of the cost will be deposited in the Nazarat of Sub Divisional Court, Benipur.

Fixing on 29.9.22 for amendment in plaint.

Dictated

Sub Judge-II 25.8.22