

In The Court Of Sub-Judge, Dhamdaha

Title Suit No. 83/13

Shaiyad Moijuddin@ Majjo -----Plaintiff
Versus.

Mst. Shankuntala Devi and others -----Defendants

04/07/19: Attendances has been filed on behalf of plaintiff and defendants through their respective lawyers. The learned counsel moves the petition dated 11/03/19.

The case record put up for order on the petition dated 11/03/19 filed by plaintiff U/O 6 R 17 CPC. Copy of this petition have been received by the defendants on 11/03/19. Although no rejoinder is available on record after given sufficient opportunity, on behalf of defendants.


Order

In its petition the plaintiff has submitted that this suit was filed for declaration of title and conformation of possession which has been given in relief B of the plaint but during the pendency of this suit plaintiff was dispossess from the suit land and he accordingly amended the relief C for recovery of possession and due to mistake relief for confirmation of possession could not be amended in relief B so the petitioner has filed this amendment petition which is formal in nature and doesn't change nature of the suit. The proposed amendment has been given at the end of petition. This petition is supported with affidavit of Shaiyad Moijuddin the plaintiff.

Heard Id. Counsel for both the sides. Perused the case record vide amendment dated 29/11/16 the relief portion has been amended that the defendants have dispossessed the plaintiff on 28/01/13 from schedule B land so recovery of possession be passed in favour of plaintiff. This statement of fact given in the petition is true. So I am of the opinion that there is no harm in allowing the petitioners to delete the corresponding relief earlier present in column B which is confirmation of possession over schedule-B land. I think this amendment is required to avoid the contradictory relief, so it is clarificatory in nature. It does not changes nature of the suit.

Hence the petition dated 11/03/2019 is allowed. Plaintiffs is directed to make suitable amendments. The defendants if requires may file additional written statement.

Put up case record on 19/7/19 for rejoinder and hearing on amendment petition dated 30/05/2018.


Sub Judge
Dhamdaha