

Title Suit No.406/2019
CNR NO.-WBHG08-0006092019

Order No.31

Dated: 02.09.2023.

Today is fixed for hearing of the petition for granting leave to file additional w/s filed by defendant no.1 under Order 8 Rule 9 of CPC.

Now the record is taken up for hearing of such petition dated 25.01.2023.

Both parties are present by filing their respective hajiras.

Ld. Advocate for the defendant no.1 submitted that due to change of appointment of his Ld. Advocate, some additional facts which is required to be impleaded in addition to the contents of w/s in the form of additional w/s and prayed before the Court for granting such leave.

Ld. Advocate for the defendant no.1 also submitted that the contents of the additional w/s are nothing but a subsequent event and for the purpose of effective adjudication of the instant suit the said matter should be inserted. Hence, the instant petition should be allowed and neither of the party will be prejudiced if the additional w/s be filed by defendant.

Ld. Advocate for the plaintiff vehemently objected as against the submissions of ld. Advocate for the defendant no.1. Hence, the instant petition to allow to file additional written statement should be rejected with heavy cost.

Perused the instant application and other materials on record.

On perusal of the instant petition and other materials on record, This Court is of the opinion that the Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such alteration as subsequent event shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties and also of the opinion of the Court that subsequent pleading can be filed by the parties after taking leave from the Court.

Hence, the petition filed by the defendant no.1 u/O 8, Rule 9 CPC is allowed on contest.

To 16.09.2023 for filing additional W/S by Defendant no. 1.

Typed and printed by me :

Sd/-

Civil Judge(Jr.Div), Additional Court
Serampore, Hooghly

Sd/-

Civil Judge(Jr.Div), Additional Court
Serampore, Hooghly
JO Code: WB1493