

Title Suit – 74/2026
Reg. No.-T.S. 74/2026
CNR: WBBB03-000140-2026

02
18.05.2026

Record is put up today on the prayer of the Ld. Advocate for the plaintiff.

Plaintiff files haziras.

Plaintiff files petition under Order VI Rule 17 read with section 151 of the C.P.C., which is taken up for hearing.

Perused. Heard. Considered.

The plaintiff has prayed for amendment of the plaint which is formal in nature.

As such, the amendment sought for is formal in nature as the same will not change the nature and character of the suit. Hence, I find no bar in allowing the same. However, since this application for amendment has been brought after commencement of trial and without any explanation as to why such amendment could not be brought into record prior to commencement of trial, an imposition of cost becomes imperative.

Hence, it is,

ORDERED

that the petition under Order VI Rule 17 read with section 151 of C.P.C. dated 18.05.2026, is allowed.

The plaintiff is directed to file amended plaint.

Later,

plaintiff files amended plaint and also amended injunction application with a prayer to move ad-interim injunction.

The injunction petition is taken up for consideration.

Heard Ld. Advocate for the plaintiff. Perused the injunction petition, materials on record and other documents produced by the plaintiff.

Issue notice upon the defendant directing him to show-cause within seven days of receiving of this notice as to why the prayer of the plaintiff for temporary injunction shall not be granted against him.

The plaintiff's case in nutshell is that the suit property is a vehicle purchased by the plaintiff and defendant is a bank with whom plaintiff entered into loan agreement. Defendant is trying to take forcibly possession of the vehicle without due process of law. Hence, this suit.

Continued.....

Title Suit – 74/2026
Reg. No.-T.S. 74/2026
CNR: WBBB03-000140-2026

02(Continued)
18.05.2026

The plaintiff has not produced any document.

Upon perusal of the documents filed by the plaintiff, I find that the plaintiff has not been able to show any document of title or possession. Further the plaintiff has not filed any document to show that the defendant is trying to take forceful possession of the vehicle as such I do not find any urgency in the matter. In the circumstances, I find that an order of injunction cannot be passed unless an opportunity of being heard is given to the defendant no.1.

Hence, it is,

ORDERED

that the petition u/O.-XXXIX rule 1 and 2 read with section 151 of CPC is refused at this stage.

Todate i.e. 14.08.2026 for S/R and hearing of the injunction petition.

Dictated & corrected by me.

Civil Judge (Sr. Divn.)
Suri, Birbhum.

Civil Judge (Sr. Divn.)
Suri, Birbhum.
JO-WB01199