

T.S. 422 of 2022
CIS No. 4221 of 2022

Dated : 18.08.2023

Today is fixed for hearing of petitions u/o 6 r.17 CPC read with Section 151 of CPC filed by the plaintiff on 28.09.2022.

Plaintiff files hazira alongwith one application for praying the extension of order of ad interim injunction.

Heard. Considered. Prayer is allowed. Order of Ad interim injunction is extended till next date.

It appears from the record that today is also fixed for SR upon defendant no. 3. On careful perusal of the records it appears that there are two defendants in the suit and suit is already proceed ex parte against them and there is no existence of defendant no.3. Therefore, due to inadvertant mistake it is written in the ordersheet of SR upon defendant no.3.

Now the record is taken up for hearing of petition u/o 6 r.17 CPC read with Section 151 of CPC filed by the plaintiffs on 28.09.2022.

It is contended by the plaintiff that in the plaint minor error has been occured unintentionally and accordingly the plaintiff had prayed for amendment as per schedule of amendment for the fair and proper disposal of the instant suit.

On perusing the schedule of the amendment petition, This Court is of the view that if the present petition is not allowed, it may lead to multiplicity of proceeding. Accordingly, finding merits in the present petition, I am inclined to allow this petition.

Hence, it is,

Ordered

that the petitions under Order 6 Rule 17 read with Section 151 of CPC be and the same is allowed on ex parte.

Plaintiff is at liberty to file an amended plaint.

Fix 12.09.2023 for filing amended plaint and ex parte injunction hearing.

Dictated & Corrected by me,

Civil Judge (Jr. Div.)
2nd Court, Barrackpore

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