

Title Suit No. 311 / 2022 (CIS 311/2022)

CNR No. WBWM02-000431-2022

IA 1 /2023

Order No. 12 dated 28/08/2023.

Hazira has been filed on behalf of both the parties.

Today is fixed for hearing of the petition u/o.1 Rule 10 of C.P.C. but it transpires from the petition that it is actually a petition u/o. 6 Rule 17 of C.P.C. Hence the petition is disposed off as a petition u/o. 6 Rule 17 of C.P.C.

Let the said petition be registered as IA No. 1/2023 of this suit.

Perused the amendment petition. Heard Ld. Advocate for plaintiff exparte on the petition as none appears on behalf of the defendants at the time of hearing.

In the instant petition, the plaintiff has prayed for amendment of the plaint in order to insert the names and addresses of subsequent transferee as well as insertion of some facts which occurred subsequent to the filing of the suit. The plaintiff has also prayed for rectification of the prayer portion as well as the schedule of the plaint.

On perusal of the petition and hearing submission of Ld. Advocate for the plaintiff, I find that the instant petition is not going to change the nature of the suit. The suit still remains a suit for partition. Moreover the proposed amendments are necessary for determining the real controversy between the parties and to prevent the multiplicity of proceedings. The proposed amendments are not inconsistent to the previous pleadings of the plaintiff and they are not going to take away any valuable right accrued to the defendants. Hence the prayer is considered and allowed.

The plaintiff is directed to file the amended plaint as per the schedule of the instant petition positively on the next date.

The plaintiff is further directed to take steps for issuance of summons to the subsequent transferee.

Thus the instant petition, being IA No. 1/2023 of this suit is thus disposed off exparte.

It transpires from record that Ld. Advocate Commissioner has already submitted his report.

To **16.01.2024** for filing of amended plaint and S/r and appearance of added defendants.

D/C by me.

(Hindol Roy) (WB00816)
C.J.(Sr. Divn), 1st Court,
Sadar, Paschim Medinipur

(Hindol Roy) (WB00816)
Civil Judge (Sr. Divn), 1st Court
Sadar, Paschim Medinipur

