Misc. Appeal No. 08 of 2021 (CIS NO.08/2021)
CNR NO.WBBB05-000549-2021

Order No.11
20-05-2024

Today is fixed for hearing of the petition dated 02-08-2023. The appellant is present and files hazira.

It transpires from the record that summons upon Respondent Nos. 1 to 4 were previously served, but they did not appear to contest the instant Misc. Appeal. Accordingly, the Misc. Appeal proceeded ex-parte against them.

Summons upon Respondent Nos. 5 and 6 were returned without service. Accordingly, the Court directed that the Appellant to take fresh steps against the Respondent Nos. 5 and 6.

On 02-08-2023, the appellants filed an un-captioned application, duly supported by an Affidavit, praying for amendment in the cause title of the Misc. Appeal. Consequently, the instant application is deemed to be an amendment application. Perused the impugned application as well as other materials on record.

Heard the learned counsel for the petitioner. The proposed prayer for amendment is formal in nature and will cause no prejudice to the Respondents. In fact while order dated 18-06-2022 demonstrate that the summons upon Respondent Nos. 2 to 4 have already been served properly, allowing the proposed amendment would give an opportunity to the Respondent Nos. 2 to 4 the suit fresh without having to take steps for vacating the ex-parte order. Consequently the application dated 02-08-2023 is allowed.

Fix 08-08-2024 for amended application for Misc. Appeal.

To date for fresh steps upon Respondent Nos. 2 to 6.

(Dictated & Corrected by me)

Additional District Judge,
Rampurhat, Birbhum,
J.O Code WB00885

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