

M.A.C.C. - 28 of 2022 (CIS-28/22)
C.N.R. No.WBBB05-000605-2022

21

09-03-2026

Today is fixed for evidence.

Both parties file haziras.

O.P. Owner files one petition for taking off the hearing of this case from PH Board along with an application under Order 6 Rule 17 CPC.

As per prayer of OP Owner hearing of this case is taken off from PH Board. Now as per prayer of both side amendment application is taken up for consideration.

Heard both sides.

By filing this application OP Owner intends to delete one sentence of paragraph no.7 of the written objection as the same was written mistakenly. On the other hand claimant has stated that OP filed WO long back on 06-06-2023 and preferred present application on this day by stating that mistakenly the said sentence has been written in the WO. OP has filed this application just in order to drag the proceeding of this case and as such the same may be rejected.

Having heard both sides and on perusal of case record, it appears that the evidence is yet to be started. Further, if this application is allowed, nature and character of the defence case will not be changed. However, this court is not oblivious about the inordinate delay in filing application. However, for the interest of justice, I feel inclined to allow the application, but subject to payment of cost.

Hence, it is,

ORDERED

that the petition under Order 6 Rule 17 of CPC filed by OP Owner on 09-03-2026 is considered and allowed on contest against the claimant and ex parte against the O.P. Ins. Co. with cost of Rs.1,000/-.

The OP Owner is permitted to amend the written objection as prayed for and directed to pay the cost amount in the hands of claimant by the next date fixed.

Fix : **10-04-2024** - for evidence and filing receipt of payment of cost.

D/C

Sd/-
Sandip Kumar Kundu
Judge
M.A.C.C. Tribunal.
Addl. Dist & Sessions Judge.
F.T.C. Rampurhat.

Sd/-
Sandip Kumar Kundu
Judge
M.A.C.C. Tribunal.
Addl. Dist. & Sessions Judge.
F.T.C. Rampurhat.
J.O. Code – WB 00988