

M.A.C. Case No. 42 of 2008

Order No. 109
27.11.2024

Respondent files hajira. Petitioner files an application under Order 6 Rule 17 of read with Section 151 of CPC, praying for amendment of claim-application on the grounds stated therein. Subsequently, he endorsed "Not pressed" on the petition.

Since the petition is not pressed, the same is rejected.

The petitioner files another application under Order 6 Rule 17 read with Section 151 of CPC, praying for amendment of claim-application on the grounds stated therein. A separate petition is filed on behalf of the petitioner, praying for shifting the instant case from P.H. Board, which is taken up for hearing.

Heard both sides. Perused the petition. Considered.

Since an amendment petition is filed, which is required to be heard. Hence, the petition is allowed. The instant claim case is removed from P.H. Board for hearing of amendment application. Now, the application for amendment is taken up for hearing.

Heard. Perused. Considered.

Ld. Lawyer for OP No. 2 has argued that the instant claim case has been delayed at the instance of the petitioner and as such, the Opposite Party No. 2 should be exempted from payment of interest for the period for which the matter has been delayed due to the fault of the petitioner.

The amendment sought for is formal in nature and it will not change the nature and character of the case. Unless the application is allowed, neither party shall be prejudiced. Hence, the instant application under Order 6 Rule 17 read with Section 151 of CPC is hereby allowed on contest without cost.

Let the claim-application be amended in terms of the instant amendment application.

To 13.01.2025 for filing amended copy of the claim-application and for peremptory hearing.

Dictated and corrected by me.

Judge, 3rd M.A.C. Tribunal,
Burdwan.

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