

IN THE COURT OF DISTRICT JUDGE, PURBA BARDHAMAN

Present: Shri Sovan Kumar Mukhopadhyay (WB551),
District Judge, Purba Bardhaman

Title Appeal No.19 of 2022
(CNR No.WBBD01-003025-2022)

Order No.4, dated 14.09.2022.

Record is put up by a petition, filed by the appellants who file D.C.F. of Rs.30/- and also by another petition, prays for shifting back the date from its earlier fixed date i.e. on 24.11.2022 to this day, for the purpose of urgent hearing of the amendment petition as well as stay application, as filed earlier in this appeal.

Perused the record.

It reveals from the record that applicable C. fee in this appeal, as assessed by the office, is Rs.60/- out of which appellants have paid C. fee of Rs.30/- whereas, C. fee of Rs.30/- fell deficit and that 24.11.2022 is fixed for filing D.C.F. and hearing of the amendment petition on filing D.C.F.

Having regards to the submission of the learned advocate, the prayer for shifting back the date, is considered and allowed.

With the payment of D.C.F. of Rs.30/-, C. fee paid in this appeal, is correct.

In view of such, the application under Order 6 Rule 17 read with Section 151 of the C.P.C., filed by the appellants on 08.08.2022 seeking amendment of the memo. of appeal, is taken up for hearing.

Learned advocate for the appellants submits that some typographical errors have crept in in actual spelling of the place of residence, name of some of the respondents as well as occupation of some of the respondents and also the appeal value, which are required to be rectified. He prays for allowing the prayer for amendment.

Perused the amendment petition, memorandum of appeal and the record.

Amendment sought for appears to be innocuous one and I find no impediment in allowing such amendment.

Accordingly, the prayer for amendment is allowed.

Amend the memorandum of appeal according to the prayer and note it in the concerned registers.

Learned advocate for the appellants now prays for moving the stay application, as filed on 08.08.2022 seeking stay of operation of the judgment and decree appealed against.

But record reveals that this appeal is yet to be admitted since an application under Section 5 of the Limitation Act, seeking condonation of delay in filing this appeal, is still pending.

In the circumstances, the stay petition be kept in the record and be moved at an appropriate stage.

Appellants are directed to take immediate and appropriate steps for sending limitation notice in both ways, upon the respondents asking them to show cause as to why the appellants' prayer for condonation of delay shall not be allowed.

To date (24.11.2022) for S.R./A.D./Appearance.

To date also for filing postal receipt and postal track reports showing service.

Steps shall be in consonance with the amendment.

Appellants shall put in a copy of the amended memo. of appeal at an early date.

Dictated & corrected by me

Sd/-
District Judge,
Purba Bardhaman

Sd/-
District Judge,
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