

T.S. No. 08 / 15

Order No.12 dtd. 05-04-16

Both parties file hazira.

The record is taken up for hearing applications dtd. 08.03.16.

The plaintiff has filed two applications one u/o. 1 r. 10(2) CPC praying for addition of parties and the other u/o.6 r. 17 CPC.

The application u/o. 1 r. 10(2) CPC is taken up for hearing.

Head both sides. Considered.

The plaintiff has filed this suit for partition of the suit property and the description of the property consists of a Pitch Road maintained by the PWD. In such circumstances, the department who maintains the road should be present when the suit is being heard.

In such circumstances, I see no impediment in allowing the application for addition of the Asst. Engineer, PWD, Bishnupur and the District Collector, Bankura as a representative to the State as party defendants to the suit.

The judgment referred by the Ld. Avcoate for the plaintiff reported in CWN (101) 432 is considered.

Let it be known that the addition of parties is allowed because of the existence of a Pitch Road within the suit property and not because the record of rights is erroneous.

Let the above mentioned persons be added as party defendants.

The DA is directed to make note of addition of parties in the cause title of the plaint.

The application u/o.6 r. 17 CPC is now taken up for hearing.

Head both sides. Considered.

The plaintiff seeks to amend the plaint to incorporate the addition of parties and the fact of issuing notice u/s. 80 CPC on the Public Authorities.

The amendment is warranted by the order adding the parties, it is formal and will not change the nature and character of the suit. Hence, the application is allowed.

The plaintiff is permitted to amend the plaint as per the schedule in the amendment application and submit amended plaint as per order 6 r. 18 CPC.

Considering the stage at which the applications were filed, I am imposing cost of Rs.500/- on the plaintiff.

Since, the defendant does not object to the applications, the cost is to be paid in the account of the SDLSC, Bishnupur.

The plaintiff is directed to take steps against the added defendants.

To – **06.06.16** for SR, A/D and payment of cost.

Dictated & Corrected

by me

**Civil Judge (Sr. Division),
Bishnupur**

**Civil Judge (Sr. Division),
Bishnupur**

Memo No. dtd. 16th March, 2013

Copy forwarded to : 1) The District Collector
Bankura.

**Civil Judge (Sr. Division),
Bishnupur**