

Title Suit No. 08 of 2015
CIS No. 15 of 2015
CNR No. WBBK07-000012-2015
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 114
Dated 13-05-2026

Today is fixed for hearing of taken off application as well as hearing of application filed by the plaintiffs under Order 6 Rule 17 of the CPC.

Memorandum of appearance filed by the plaintiffs and defendant no.1.

Ld. Counsel on behalf of defendant no.1 filed W.O. against the application filed by the plaintiffs under Order 6 Rule 17 of the CPC.

Ld. Counsel on behalf of the plaintiffs inter alia stated that there is some clerical mistake and for proper adjudication of the suit the amendment is necessary.

Heard Ld. Counsels for both sides at length.

The application for taken off from P.H. board is allowed for ends of justice.

Now the case record is taken up for passing necessary order in respect of the application filed under Order 6 Rule 17 of the CPC.

Heard Ld. Counsels for both sides at length.

Perused the application and W.O. thereof.

The crux of the application is that at the time of cross-examination some clerical mistakes appeared in the plaint as follows :- (1) the father's name of defendant no.3 is wrongly written as Harisadhan Majhi instead of Sishuranjan Majhi; (2) the number of defendant no.5 will be written instead of defendant no.6; (3) similarly, where the number of defendant no. 5, 6 & 7 has been mentioned, shall be written as defendant no.6, 7 & 8.

On the other hand, Ld. Counsel for the defendant no.1 submitted that the amendment was sought for after the commencement of trial and the law does not permit to amend the pleadings after the commencement of trial. Therefore, Ld. Counsel for defendant no.1 prayed to reject the application with heavy costs.

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In reply, Ld. Counsel on behalf of the plaintiffs averred that if the amendment is allowed the defendants would not be prejudiced in any way.

It appears to me that there is only numerical change in the serial number of the defendants and if the amendment is allowed, the share of the plaintiffs and defendants will remain unchanged.

So, it is clear that such amendment shall not hamper the adjudication of the suit in any manner and such amendment is formal in nature and it will not affect the nature and character of the suit.

Accordingly, prayer of the plaintiffs is allowed.

Hence, it is,

ORDERED

that the application preferred by the plaintiffs under Order 6 Rule 17 of CPC be and the same is allowed on contest, but without any cost.

Suit Clerk is hereby directed to give effect to the said amendment as mentioned in the schedule of the application under determination.

Defendant no.1 is at liberty to file amended W.S., if any, in the meantime.

On the other hand, plaintiffs are directed to furnish the amended copy of the plaint within next seven days.

Fix **21-05-2026** for filing amended copy of the plaint and further cross-examination of DW-1.

Suggestive issues, if any, in the meantime.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur
s.d.

Civil Judge (Sr. Divn.), Bishnupur