

Title Suit No. 14 of 2018
CIS No. 49 of 2018
CNR No. WBBK07-000059-2018
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 61
Dated 27-06-2025

Today is fixed for P.H.

Memorandum of appearance filed by the plaintiff and defendant no.1(ka)

Ld. Counsel on behalf of the plaintiff filed one application with a prayer for taken off the instant suit from P.H. board inter alia stating that some documents (C.S. R-o-R) have been recovered during the pendency of the suit.

Considering the above noted circumstances, the petition is allowed.

Today Ld. Counsel on behalf of the plaintiff filed one application under Order 6 Rule 17 of the CPC supported by an affidavit.

The copy of such application was served to the Ld. Counsel for the defendant and he received the same by putting her endorsement.

The case record is taken up for haring of the amendment application filed under Order 6 Rule 17 of the CPC.

Perused the application.

Heard both sides at length.

The crux of the application is that due to ignorance C.S. Khatian no.276,277 & 49 has not been mentioned and documents of C.S. R-o-R have been discovered during the pendency of the suit. It also reveals that the L.R. R-o-R is mentioned in the suit, but for ascertaining the chain of title, the C.S. R-o-R is necessary for proper adjudication of the suit.

In this context this Court wants to take the help of a famous observation held in *Copper Vs. Smith* case and it has been observed as “*I think it is a well - establish principle that the object of courts is to reside the rights of the parties and not to punish them for mistakes they make in the conduct of their case by deciding other wise than in accordance with their rights*”.

It also appears to me that the proposed amendment is formal in nature and if the amendment is allowed, the defendants will not be prejudiced and even no additional issue is required to be framed for this proposed amendment.

Considering the above noted circumstances, this Court does not find any substantive or procedural impediment in granting the application for amendment.

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Thus, prayer of the plaintiffs is allowed.

Hence, it is,

ORDERED

that the application preferred by the plaintiffs be and the same is allowed without any order as to costs.

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

Plaintiffs are hereby directed to furnish the amended/revised copy of plaint by the next date.

Fix **27-08-2025** for P.H. and filing of amended copy of plaint.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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