

Title Suit No. 20 of 2018

CIS No. 53 of 2018

CNR No. WBBK07-000063-2018

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 58

Dated 04-01-2025

Today is fixed for hearing of petition file under Order 6 Rule 17 of the CPC.

Memorandum of appearance filed by the plaintiff and defendant.

Heard Ld. Counsels for both sides at length.

Perused the application and W.O.

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.

The crux of the application is that some clerical mistakes was done by the plaintiff at the time of drafting of the plaint. Ld. Counsel for the plaintiff categorically submitted that in the second line of paragraph no.5 the date is wrongly mentioned as 15-12-2014 instead of 15-12-2015.

In this context this Court wants to take the help of a famous observation held in *Cropper 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*”.

Considering the above noted circumstances and considering the observation, I do not find any legal impediment to allow the application preferred by the plaintiff because it will not affect the nature and character of the suit and it is a merely clerical mistake.

Accordingly, prayer of the plaintiff is allowed.

Hence, it is,

ORDERED

that the application preferred by the plaintiff be and the same is allowed on contest, but 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.

Plaintiff is hereby directed to furnish the amended copy plaint within next date.

Fix **07-02-2025** for framing of issues & filing of amended copy plaint by the plaintiff.

Suggestive issues, if any, in the meantime.

Update CIS forthwith.

Dictated & Corrected by me.