

T.S. - 1306/12 CNR – WBCC0103314-2012

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 56

04.7.24

Today is fixed for hearing of the application of the plaintiff u/o 6 Rule 17 read with section 151 CPC dtd 26.4.24.

Both the sides file haziras. Heard the Ld. Advocates for both the sides in respect of the said application for amendment of plaint.

Perused the said application, whereby the plaintiff has prayed for passing necessary order to amend the cause title of the plaint in the manner indicated in para 1 of the said application mainly intending to incorporate the present addresses of defendant nos 4, 5 and 6 in the cause title of the plaint in order to enable the plaintiff to cause service of summons of this suit upon them.

No WO has been filed by the defendant nos 1 to 3 against the said application.

Upon comparison of the proposed amendment with the plaint it appears that the same has been sought for mainly for the purpose of incorporating the present addresses of the defendant nos 4, 5 and 6 in the cause title of the plaint as the plaintiff has not as yet been able to cause service of summons of this suit upon them. The proposed amendment, if allowed, will not in anyway change the nature or character of the suit nor will the same cause any injury or prejudice to the defendants; but the same is essentially necessary for enabling the plaintiff to cause service of summons of this suit upon the defendant nos 4, 5 and 6.

Considered as above, I am inclined to allow the said application.

Hence it is

Ordered

that the application filed by the plaintiff on 26.4.24 u/o 6 Rule 17 read with section 151 CPC is hereby allowed treating the same as a part of the plaint. Amend the plaint accordingly.

Plaintiff is directed to submit amended copy of plaint after serving copy thereof upon the defendant nos 1 to 3 as well as to take steps upon the defendant nos 4, 5 and 6 for causing service of summons of this suit at their amended addresses by 12.8.24.

The application of the plaintiff u/o 39 Rules 1 and 2 read with section 151 CPC will be taken up for consideration after completion of the service of summons of this suit upon the defendant nos 4 to 6.

D/C by me

Judge

Judge 2nd Bench