

TITLE SUIT NO.977/2020

Order No.15/ dated 11.03.2022.

Ld. Advocate for the plaintiff files hazira and an application for extension of ad interim Order of Injunction.

Ld. Advocate for the defendant also files hazira.

Today is fixed for hearing the application under Order VI Rule 17 of C.P.C. filed by the plaintiff.

Ld. Advocate for the plaintiff has submitted that plaintiff has committed an unintentional error by including or impleading Mr. Biplab Roy as plaintiff No.2, which is not essential or relevant for the adjudication of the instant Suit, and requires to be removed by way of an amendment and the proposed amendment petition will not change the nature and character of the instant Suit, and no chance of any prejudice to the defendants. Hence, the plaintiff prayed for allowing the said amendment petition.

Ld. Advocate for the defendants raised no objection by endorsing the same on the amendment petition, and orally submits that the same may be allowed. **It is further submitted that the defendants have not yet filed the Written Statement.**

Heard Ld. Advocate for the respective parties. Perused the amendment petition under Order VI Rule 17 of the C.P.C. After going through the recital of the amendment petition it appears that in order to get proper relief and aid the adjudication, the plaintiff has filed this amendment petition, which would not change the nature and character of the Suit, and even the defendants would not be prejudiced if the proposed amendment petition is allowed.

So, taking into account all these facts, the **amendment petition under Order VI Rule 17 of the C.P.C dated 29.09.2021** filed by the plaintiff is hereby **allowed**.

Let the plaint be amended as per the proposed amendment petition dated 29.09.2021.

Ld. Advocate for the plaintiff is hereby directed to file amended plaint within the statutory period and copy should be served upon the Ld. Advocate of the defendants.

Fix 25.03.2022 for **filing amended plaint** within statutory period, and copy to be served upon the defendants.

D/C by me.

Sd/- Sujasha Mukherji
Judge Bench III
City Civil Court, Calcutta.

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