

Title Suit 1448 of 2017

Present :- Ajay Kumar Gupta, Judge, Bench-II

Order no. 13 / dt. 29.01.2019

Both parties file their respective haziras. Defendant file written objection to the petition U/O 6 Rule 17 of the C.P.C. Copy served. Let it be kept with the record.

Today is date fixed for hearing petition U/O 6 Rule 17 filed by the plaintiff praying for amendment of the plaint as per schedule of the amendment sought for in the application.

Heard.

Considered.

Having heard the submission and upon perusal of the application, it appears that the plaintiff has filed the instant suit against the defendants for declaration, partition, accounts and permanent injunction in respect of the suit property (morefully described in the plaint). However, as per contention of the plaintiff one another property is left out while filing the suit that property should be included for partition otherwise plaintiff will suffer irreparable loss and injury.

On the other hand, ld. Advocate appearing on behalf of the defendant submits that the amendment sought for are vogue, misleading and also it will change the nature and character of the suit. Therefore amendment sought for should be rejected.

Considering the both sides case, I find that the amendment sought for is genuine and necessary for proper adjudication of this case because the suit is filed for partition and if any, property is left out it will definitely prejudice to the plaintiff as well as it would cause multiplicity of suit. The amendment sought for will not also nature and character of the suit. Furthermore trial has not commenced as yet. Therefore, the prayer for amendment is considered and allowed. The plaintiff is directed to file the amendment plaint within 15 days from the date of this order. Defendant is given liberty to file additional written statement, if any.

To 12.02.2019 for filing amended plaint.

Dictated & Corrected by me

Judge, Bench-II
City Civil Court, Calcutta

Judge, Bench-II
City Civil Court, Calcutta.