

Misc. Appeal No.28 of 2025
Present: Biswarup Bandyopadhyay (WB01133), Chief Judge
Order No. 8 dated 01.08.2025:

Appellant files an application under Order 6 Rule 17 read with Section 151 of CPC prying for amendment.

None is found present on behalf of the respondents on call.

Today is the date fixed for acceptance of service upon respondents/clarification on the point of limitation/hearing of Section 5 application of the Limitation Act.

The application for amendment is taken up for hearing.

Having heard the Ld. Advocate for the appellant and on perusal of the petition, this Court is of the view that the amendment sought for as per 'Schedule' to the amendment application is formal in nature and it will not change the nature and character of the suit. Therefore, there is no impediment to allow the amendment petition filed by the petitioner.

Hence, the amendment petition filed by the appellant is hereby allowed.

Petitioner is directed to file amended Section 5 application.

Ld. Counsel for the appellant submits that he is ready with the amended Section 5 application, if the Ld. Court permits him to file, he can file the same during the course of the day.

Ld. Counsel for the appellant submits the amended Section 5 application and the same is amended as per 'Schedule' to the amendment application. Accordingly, the same is considered and accepted.

Appellant is directed to serve the copy of amended Section 5 application to the other side by the next date fixed.

Fix 28.08.2025 for hearing of application under Section 5 of the Limitation Act and taking steps.

Dictated & corrected by me:

Chief Judge

Chief Judge

City Civil Court, Calcutta.