

O.C. Suit 15 of 2022

CIS NO: 10/2022

CNR NO: WBDJ08-001052-2022

JO CODE- WB01512

Order no. 03 dated 13.12.2022

The case record is put up before this Court by way of put up petition.

Ld. Advocate for the petitioner has filed a petition under Order VI Rule 17 read with Section 151 of CPC.

The record is taken up for hearing.

Heard Ld. Advocate for the petitioner in respect of the petition.

Considered.

After applying judicial mind, this Court is of the view that the proposed amendment if allowed will not prejudice the defendant because at this stage the other side has not appeared. The suit has been registered on 24.11.2022 and subsequently the next date was fixed for office report. The Sheristadar had already submitted the office report which is apparent from the order dated 08.12.2022 but he did not report that the schedule of the petition was not included in the plaint. Henceforth, the Sheristadar is cautioned to remain vigilant in performing his duties is formal in nature and the same will not change the original feature of the suit. Accordingly, in view of the requirement of proper adjudication of the suit, this Court is inclined to allow the petition.

Hence, it is,

ORDERED

that the petition under Order VI rule 17 read with Section 151 of CPC be and same is allowed.

Plaintiff is directed to file the amended plaint accordingly.

The petition dated 13.12.2022 is thus disposed of.

To date

Sd/-

Civil Judge (Jr. Divn.)

Kalimpong

Sd/-

Civil Judge (Jr. Divn.)

Kalimpong