

Order No. dated 09.10.2023.

Today is fixed for depositing arrear interest and evidence.

The plaintiff filed one shift back petition together with an amendment petition.

One hazira has been filed for the defendant together with an application pleading that the defendant already has deposited the arrear interest.

Judicial notice of the fact pleaded in the petition is taken, and thus the petition is disposed of.

The shift back petition is allowed.

The amendment petition is taken up for hearing.

Heard. Considered. Perused the record.

By the amendment petition, the plaintiff intends to modify the rate of rent, which he previously had pleaded in his plaint. Well, the rate of rent which the plaintiff intends to now incorporate in the plaint is the rate which the defendant has admitted in his 7(2) application. The proposed amendment, to my mind, could not change nature or character of the suit but is necessary for deciding the real question in controversies between the parties. So, I do allow the application u/o 6 rule 17 CPC but without any cost for the content of the purposed amendment – has partially been admitted by the defendant, and it is with regard to the rate of rent.

The plaintiff is directed to file amended plaint by the next date i.e. necessary consequence u/o 6 rule 18 CPC, and if further is directed to pay the deficit court fees that has fallen deficit on account of the amendment whereby rate of rent has been enhanced, and therefore, the court fees payable has also enhanced thereby by virtue of sec 7 (xiii) of the WBCF Act.

Fix 22.11.2023 for filing amended plaint, additional WS by the defendant, and payment of deficit court fee.

D/c by Me.

Sd/-

CJJD
Kurseong.

Sd/-

Civil Judge (Jr Div)
Kurseong.