

Order No 47 dated 11.10.2023

Today is fixed for evidence.

Defendant filed hazira.

Plaintiff filed three petitions – one for shift back, another u/sec 151 CPC for cost reduction and the last one is for amendment.

The plaintiff later not pressed the 151 CPC petition, and therefore, the same is rejected for non prosecution. He, thereafter, filed another petition u/sec 151 CPC for reduction of cost.

Heard. Considered.

Perused the record.

Shift back petition is allowed.

Coming to the second petition u/sec 151 CPC, the same, for ends of justice, is allowed in part reducing the previously imposed cost from Rs. 2000/- to Rs. 1000/-.

Coming now to 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.d 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 23.11.2023 for filing amended plaint, payment of cost by the plaintiff and additional WS by the defendant, and payment of deficit court fee.

D/C by me:

Sd/-
CJJD,KSG.

Sd/-
Civil Judge(Jr. Div)
Kurseong.