

Title Partition Suit no.02/2025 (CIS 02/2025)

WB 01110

Order no. 07 Dt. 10.07.2025

Today is fixed for hearing of the petition under Order VI Rule 17 filed by the plaintiff on 17.06.2025.

Plaintiff files hazira.

Ld. Advocate for the plaintiff is present.

Defendant no. 1 and 2 filed a petition praying for time to file W/s.

It appears from the record that defendant no. 1 and 2 appeared from 25.03.2025. Therefore the statutory period for filing W/s has elapsed and therefore, the petition filed by the defendant is rejected.

The petition filed by the plaintiff is taken up for hearing.

The filing the amendment petition the plaintiff prayed for incorporating the other joint property of the parties which as per the plaintiff was left out at the time of filing the plaint due to inadvertence and over sight. As stated in para 5 of the amendment petition.

Considering that the instant suit is a partition suit and all the joint property must be there in the Schedule of the plaint and the proposed amendment shall not change the nature and character of the suit, the petition filed by the plaintiff deserves to be allowed.

Hence it is that the petition filed by the plaintiff under Order VI Rule 17 dated 17.06.2025 is allowed. Ad disposed of accordingly. The plaintiff is at liberty to amend the plaint as specifically mentioned in para 5 of the amendment petition.

Plaintiff is directed to file the amended copy of plaint within the statutory period of time mentioned in Order VI Rule 18 of CPC.

The Ld. Advocates for both parties submitted before the Court that parties of this case are interested to settle the matter through mediation. Considering that 9 days of 'Mediation for Nation' has already started as per the direction of NALSA, let the case be referred to mediation for settlement as per the prescribed form and since the mediation centre is attached to the Court building, the record may be sent to the Mediator as and when requisitioned.

Fix **24.09.2025** for report from mediation.

D/c by me,

-S/d-

Civil Judge (Sr. Division)

Kalimpong

-S/d-

Civil Judge (Sr. Division)

Kalimpong