

T.S. 187 of 2016 (C.I.S. 550 of 2016)

Order No. 16

Dated 21.08.2017

Today is fixed for hearing petition dated 21.12.2016.

Both parties files hajira.

The petition dated 21.12.2016 is taken up for hearing.

Heard both sides, perused the case record, considered.

Ld. Advocate for the defendants has submitted that if the instant amendment petition is allowed then the ad interim injunction order, the police protection order will become infructuous. The plaintiff has intentionally harassed the defendants by quoting wrong plot number. Ld. Advocate for defendants has prayed for rejection of instant petition.

Ld. Advocate for the plaintiffs has submitted that this is only a clerical error. The amendment will not prejudice the defendants in any manner and the petition may be allowed.

It appears from the case record that prima facie injunction order was passed on the basis of relevant documents filed by the plaintiffs. The receipts of share of crops, the L.R searching slip/ plot information and other relevant documents bears the plot No. in question to be 1412. The ad interim injunction was not passed solely relying upon the plaint or to be more specific relying upon the schedule of plaint. The defendants have appeared in the suit and submitted their W.S on 30.1.2017. The defendants have filed their W.S quoting the plot No. as 1412. Therefore, it is apparent that the error of one number in the suit plot No. has not misled the defendants in contesting the suit properly. No prejudice has been caused to the defendants. For effective adjudication the clerical amendment prayed for the plaintiffs is required to be allowed.

Hence, it is

ordered

that the instant petition dated 21.12.2016 is considered and allowed. Plaintiffs are directed to take necessary steps. For further clarification the order dated 1.8.2016 and 26.9.2016 shall be treated to be passed in respect with the suit plot No. 1412 in stead of 1422.

Send a copy of this order to the O.C Satahata P.s who was directed to enforce this Courts injunction order vide Memo No. 210 dated 29.9.2016 for his information and necessary action, if any required.

The plaintiffs will be liable to pay costs of Rs. 300/- to the defendants within next date.

Fix 18-12-2017 for costs and steps by plaintiffs.

D & C by me

Civil Judge (Jr. Divn),
Haldia

Civil Judge (Jr. Divn),
Haldia