

J.O. Code: WB1357

T.S. 151 of 2010

CIS No. 151 of 2010

Order No. 71

12.04.2023

Today is fixed for passing order in respect of petition U/O 6 Rule 17 of CPC dated 24.11.2022 filed by the plaintiff.

Both parties file hazira.

The record is taken up for passing order.

The Ld. Advocate for the plaintiff submitted that Sadananda Chakraborty, father-in-law of the plaintiff purchased the suit property in the name of defendant no. 1 by his own income and income from selling his properties to third persons. In the plaint it is not mentioned that Sadananda Chakraborty transferred his property in favour of this persons and collected the consideration money for purchasing the suit property in the name of defendant no. 1. Therefore, the plaintiff wants to insert the facts and names of the persons to whom the father-in-law of the plaintiff sold his properties.

The Ld. Advocate for the defendant raised strong objection against the petition of the plaintiff and submitted that it is belated. The plaintiff has filed this petition after a delay of 20 years. The trial in the case has already started and it is in PH board. The plaintiff has not explained the delay of 20 years. The plaintiff has also not explained whether in spite of due diligence she could not insert the proposed amendment in the plaint at the time of filing of this suit. The defendant also submitted that the plaintiff has not filed any document to support the proposed amendment. It is also not mentioned in the petition of amendment that when the plaintiff came to know about the sells by her father-in-law.

Heard both sides.

Perused the petition and other materials on record. It is fact that there is a delay of more than 12 years in filing this amendment. The cause of delay for filing this amendment is not explained by the plaintiff. The plaintiff has also not explained that in spite of due diligence she could not amend the plaint previously. Therefore, this Court is not inclined to allow this petition.

Hence, it is

**ORDERED**

that the petition U/O 6 Rule 17 of CPC dated 24.11.2022 filed by the plaintiff is hereby considered and rejected on contest

without any order as to costs.

To 05.06.2023 for PH.

Sd/-

Civil Judge (Jr. Divn), Haldia

Sd/-

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