

T.A 30/2018

Order no. 62 dated 16.12.2025

Hazira filed by both sides.

Today is fixed for passing order on the petition dated 11.09.2025 filed by the appellants u/o 6 r 17 read with Section 151 of the Civil Procedure Code.

Heard Ld. Advocates of both sides on the last date.

It is submitted by the Ld. Advocate for the appellant that during hearing of the appeal, it had come to the notice of the Ld. Advocate of the appellants for the first time that a typographical mistake is there in line number 1,7,21 and 23 of paragraph no. 4 of the plaint, where the figure '2' is typed instead of the figure 3.

It is further pointed that due to typographical mistake that the properties mentioned in item no. 1 and 2 of the schedule of the plaint inherited by the plaintiffs should be added in paragraph no. 2 and 3 of the plaint.

It is further pointed out that in line no. 3 of paragraph no. 2 the word 'get' written instead of the word 'got'.

The respondents are contesting the petition by filing their written objection.

It is submitted by Ld. Advocate for the respondent that argument of the Appeal was almost completed. The prayer for amendment is made at a belated stage and should be rejected with cost.

Having heard both sides, I find that a petition for amendment U/o 6 r 17 of the Civil Procedure Code can be filed at any stage of hearing of the suit and also in appeal provided the amendment is necessary for the just disposal of the suit and the amendment does not introduce new facts, so as to change the nature and character of the suit.

In the instant Appeal the amendment sought for is purely typographical mistake. Allowing the petition would not make any change in the nature and character of the suit and accordingly, I am of the opinion that the appellants should be given an opportunity to rectify the mistake directed in the plaint even if it is made at a belated stage.

Hence, it is

ORDERED

that the petition U/o 6 r 17 of the Civil Procedure Code filed the appellants is allowed on contest without cost.

Let the plaint be amended in terms of the schedule appended to the petition U/o 6 r 17 of Civil Procedure Code.

Appellants is directed to file an amended plaint.

Fix **14.01.2026** for filing amendment plaint and further hearing of appeal.

Dictated and Corrected by me

**Additional District Judge,
2nd Fast Track Court, Chinsurah,
District – Hooghly**

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2nd Fast Track Court, Chinsurah,
District – Hooghly
(J.O Code W.B00955)**