

Misc Case No. 94 of 2017.

Order No. 38 dated 01.02.2024.

Today is fixed for hearing the petition u/order 6 rule 17 CPC filed by the petitioner on 20.03.2023.

It appears from order dated 17.12.2019, the case has been proceed exparte against the O.P. Learned advocate for the petitioner is present in court.

The record is taken up for hearing of the petition u/order 6 rule 17 CPC.

Heard Learned advocate for the petitioner.

It appears that petitioner filed an application under order 9 Rule 9 read with section 151 CPC for restoration of the aforesaid appeal being No. Title Appeal No. 236 of 2014 but the said petition was filed with typographically mistake of order 9 Rule 9 read with sec 151 CPC instead of order 41 rule 19 of CPC and Petitioner/ Appellant intend to amend the provision of order 41 Rule 19 of CPC instead of Order 9 Rule 9 read with sec. 151 CPC and prays for allowing the amendment application.

The proposed amendment is formal in nature and the same does not charge the nature and character of the said petition and if the proposed amendment is allowed, the O.P. will not prejudiced in any manner. Accordingly, the prayer for amendment of the cause title of the application is hereby allowed.

“Order 41 Rule 19 of CPC ” be inserted in the placed of Order 9 Rule 9 read with sec. 151 CPC in the cause title of the application of original Misc case.

Amend the application of Misc case accordingly.

To 12.03.2024 for hearing of arguments.

Petitioner is directed to file amended application of Misc case in the meantime.

Petitioner is also directed to serve the amended application of Misc case to the O.P through regd. post at once and to file receipt copy before this court.

Note in the concerned register accordingly.

Dictated and corrected by me,

Judge,

Addl. District Judge,
Cum-Judge, Spl. Court,
Hooghly.
(WB00618)

