

Misc Case 498 of 2017

Order No. 13 dated 11.09.2018:-

The aggrieved person is present by taking step.

The respondents have filed one petition praying for adjournment but the learned advocate for the respondents submits that he will not press the said petition and **as such, the same is rejected as not pressed.**

Now, the petition dated 23.08.2018 is taken up for hearing.

The respondents have filed W.O against the amendment petition as well as the petition U/S 25 (2) of the Act.

Heard. Perused. Considered.

On perusal of the record, it appears that the aggrieved person has prayed for amendment of the petition U/S 12 of the Act by inserting one paragraph after the paragraph No.04 in that petition.

The learned advocate for the respondents has objected to such petition stating that amendment cannot be done as there is no such provision in the P.W.D.V Act as well as in the Cr.P.C.

In the case reported in AIR 2016 SC 2519, the Hon'ble Apex Court has been pleased to hold that the proceeding under the P.W.D.V Act is of civil in nature and as such, amendment can be allowed in such proceeding.

It appears that the aggrieved person desires to insert certain facts which are related to this case and which are necessary to be considered to reach a just decision in this case and the facts regarding those various cases are of the year 2017 in which this application U/S 12 of the Act has been filed. The respondents will not be prejudiced as they will set chance to file additional W.O.

Considering all, I am of view that the petition should be allowed in the interest of justice and accordingly, the same is allowed on contest without any order as to the costs.

Let the amended portion be inserted in the original application U/S 12 of the Act.

The aggrieved person is hereby directed to file an amended application.

To _____ for hearing of the petition U/S 25 (2) of the Act and filing of
W.O, if any.

**Judicial Magistrate, 1st Class,
5th Court, Howrah.**