

**Title Suit 48 of 2023**

**Order No. 18 Dated:04.04.2025**

Today is fixed for hearing of the petition under 6 Rule 17 of CPC.

Both parties filed hazira.

The record is taken up for hearing.

Ld. Advocate for the plaintiff submitted that on 26.04.2023 the defendants along with their men and agents tried to change the nature and character of the suit property by installing bamboos along side the bedi. When the plaintiffs protested they threatened the plaintiffs. They have violated the injunction order passed by this Court. This is a subsequent events which has occurred during the pendency of the suit. So the plaintiffs want to insert some facts which are mentioned in the schedule of the petition. The plaintiffs also want to insert the prayer for mandatory injunction and also want to insert one new schedule in the plaint which contains the description of the construction made by the defendants. If it is not corrected then the real controversy in dispute will not be determined. This amendment will not change the nature, character and cause of action of the suit. The amendment proposed is formal in nature.

Hence the plaintiff prays for amendment of the plaint as per the schedule mentioned in the petition.

Ld. Advocate of the defendants raise no objection and gave consent for allowing the petition.

After perusal of the record and the petition it is seen that some construction has been made during the pendency of the suit an it is a subsequent event. It needs to be incorporated in the plaint by way of amendment as it is related to the suit property. The proposed amendment is very much formal in nature and if it is incorporated it will not change the nature and character of the suit.

In **Rajesh Kumar Agarwal and ors. vs K. K. Modi and ors.** it has been observed that the court can allow the amendments which is necessary for the purpose of determining the real questions in controversy between the parties. It can be said that if the relief which could be prayed for in the new suit can also be permitted to be incorporated in the pending suit. The proposed amendment is very much formal in nature and if it is incorporated it will not change the nature and character of the suit.

Thus, considering the nature of the amendment, the stage of the instant suit and to determine the real question in controversy between the parties and also for the ends of justice the amendment sought for should be allowed. So, this Court is inclined to allow the amendment of the plaint as per the schedule mentioned in the petition.

Hence, it is

**ORDERED**

that the petition U/O 6 Rule 17 be and the same is hereby allowed and disposed of on contest without any cost. The plaintiff is allowed to amend the plaint as per the schedule of the present petition. The plaintiff is also directed to file the amended plaint within 14 days accordingly.

To 17.05.2025 for filing of the amended plaint.

**Dictated & corrected by me**

CJ

**Civil Judge (Jr.Div.)  
Amta, Howrah**

**Misc. Case 11 of 2024**

**Arising out of Title Suit 48 of 2023**

**Order No. 19 Dated:04.04.2025**

Today is fixed for filing of the WO by the OPs.

Petitioner filed hazira.

OP filed adjournment petition which is allowed on the ground stated therein.  
Fixing 17.05.2025 for filing of WO by the OPs.

**Dictated & corrected by me**

**CJ**

**Civil Judge (Jr.Div.)  
Amta, Howrah**