

Title Suit 60 of 2023

Order No. 9 Dated: 09.07.2024

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

The record is taken up for hearing.

Ld. Advocate for the plaintiff submitted that the defendant No.1 has mentioned in his written statement about the purchasing the property from one Bechuram and has also filed one registered deed being No. 3399 / 1970. This facts needs to be inserted in the plaint by way of amendment. The plaintiff further stated that they also want to amend the their prayer by inserting that the deed being No. 3399 / 1970 is null and void and as such they are challenging the impugned deed. If it is not amended 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 defendant No.1 raised vehement objection.

After perusal of the record and the petition it is found out that the facts which are mentioned in the schedule are the subsequent event and the deed in question 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.

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 31.08.2024, for filing of the amendment plaint and fresh step on defendant No.4.

Dictated & corrected by me

CJ

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