

Title Suit 77 of 2019

Order No. 21 Dated: 18.12.2023

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 due to some bona fide mistake the area of land and mouza has not been properly written in the plaint as well as schedule of the plaint. Moreover, the devolution of interest of the suit property has not been properly expressed in the plaint so the plaintiff wants to amend the plaint as per the schedule of the petition. Such amendment is very formal in nature and will not change the change the nature, character and cause of action of the suit. This amendment is necessary to determine the real controversy and dispute between the parties.

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

After perusal of the record and the petition it is seen that 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 are hereby allowed and disposed of ex parte 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 05.01.2024, for filing of the amendment plaint.

Dictated & corrected by me

CJ

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