

45
23.03.2018

Today is fixed for hearing of petition Under Order 6 rule 17 C.P.C. and petition under Order 11 Rule 1 read with Section 151 of C.P.C.

Both parties filed their respective haziras.

Defendant filed an adjournment petition praying for another date for hearing of aforementioned applications on the ground stated therein.

Heard. Considered.

The prayer is rejected.

Now the petition Under Order 6 rule 17 is taken up for passing necessary order.

I have heard the submission appearing for the parties at length.

Considered.

Ld. Advocate for the plaintiff submitted that the facts of proposed amendment are subsequently happened during the pendency of this suit. He submitted that the proposed amendment is formal in nature and very necessary for determining the real question in controversy and if the amendment petition is allowed the nature and character will not change in the original suit.

Perused the petition and other materials on record. The amendment sought for by the plaintiffs is formal in nature. It is also found that the facts of the amendment petition are subsequent in nature and very much necessary to incorporate in the plaint.

Hence it is

Ordered

That the petition u/O6 r17 C.P.C filed by the plaintiff on 26.04.2017 is hereby considered and allowed.

Defendant is at liberty to file additional written statement to the extent of this amended facts.

Plaintiffs to comply the provision u/O6 R18 C.P.C

Now the record is taken up for hearing and passing necessary order upon the application filed under Order 11 Rule 1 read with Section 151 of C.P.C.

The Ld. Advocate for the plaintiff submits that in the WS it has mentioned that the suit will fail for defects of parties, for which the schedule noted questions are required to be answered by the defendant and such information is very much required otherwise the suit of the plaintiff will fail.

Heard both sides at length.

Now considering the interrogatory I am of the opinion that for proper dispensation of justice and final determination of rights of parties such interrogatory should be answered by the defendant. Moreover, it appears that the interrogatories made are not scandalous or irrelevant or malafied.

Hence, it is,

ORDERED

That the petition u/o. 11 rule 1 of CPC of the plaintiff dated 26.04.2017 is allowed on contest and the defendant is directed to answer those interrogatories .

Hence, petition dt. 26.04.2017 stands disposed of.

Fix for filing the particulars (answers) required by the interrogatories and for filing of amended plaint.

D/C by me

C.J. (Jr. Divn.)
Amta, Howrah

C.J. (Jr. Divn.)
Amta, Howrah