

Title Suit 148 of 2022

Order No. 12 Dated: 08.04.2023

Today is fixed for hearing of the petition under 6 Rule 17 of CPC and petition U/s 153 of C.P.C.

Both the petitions are taken up for hearing.

Ld. Advocate for the plaintiff submitted that the dag no. 1866 was written in the body of the plaint in paragraph no. 1 and 2 but it should have been 1859/2375. The plaintiffs are illiterate common people and do not know anything and at the time of drafting of the plaint they wrongly mentioned the dag nos. which should be corrected by way of amendment. 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 vehement objection.

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 and the petition U/s 153 be and the same are 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.

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To 09.05.2024 for filing of the amendment plaint and the amended injunction application.

Dictated & corrected by me

CJ

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