

Misc Appeal No.05 of 2025
C.N.R. No. WBJP01-000848-2025

Order No. 10, dated – 03.02.2026.

Today is fixed for hearing of the Misc Appeal along with stay application.

Hazira has been filed on behalf of the appellant and for the respondent No.1 and on behalf of respondent No.2 to 8 through their respective Ld. Advocate.

One verified petition has been filed today on behalf of the appellant as duly affirmed on their behalf for amendment of the cause title under Order 6 Rule 17 of the C.P.C. Copy of the same has been served upon the Ld. Advocate for the respondent No.1 and respondent No.2 to 8 through and those have been duly received.

Now the petition is taken up for consideration.

Same is heard and considered.

It is a case of the appellant/ petitioner herein that no relief has been sought for in the Appeal in respect of respondent No.2 to 8 who are co-defendants along with the present appellant in the main suit. Due to inadvertence their name has been incorporated in the cause title of the Memo of Appeal as regular respondents. However, since no relief has been sought for against them in the instant Appeal, they may be considered as proforma respondents instead of regular respondents. Since relief has been sought only against respondent No.1 being regular respondent, amendment, as sought for, may be allowed and necessary order may be passed.

Ld. Advocate appearing on behalf of respondents Nos.2 to 8 has not raised any objection and has submitted to pass necessary order.

Ld. Advocate appearing on behalf of respondent No.1 has submitted that admittedly respondents Nos.2 to 8 are co-defendants along with the present appellant in the main suit. However, he has submitted for passing necessary order.

Upon perusal of the petition for amendment and after going through the record and considering the submission of the Ld. Advocate for the respective sides, it appears to this court that from the application under Order 6 Rule 17 of the C.P.C, it appears that due to inadvertence respondents Nos.2 to 8 have been named as regular respondents instead of being termed as proforma respondents an the amendment has been sought for before commencement of hearing of Appeal and in case of allowing the petition, it will not change the nature and character of the present Appeal.

In view of that, the petition under Order 6 Rule 17 of the C.P.C. is hereby allowed.

Respondents Nos.2 to 8 be considered and termed as proforma respondents and respondent No.1 be termed as respondent No.1 only in the present Appeal.

Office is directed to make necessary endorsement on the cause title of the Memo of Appeal.

One adjournment petition has been filed on behalf of the respondent No.1. Copy of the same has been served upon the Ld. Advocate for the appellant and the same has been duly received.

Adjournment petition is heard, considered and allowed for the reasons stated therein.

Fix **06.03.2026** for hearing of the Misc Appeal along with stay application.

Dictated & Corrected by me

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)