

Misc Judicial (Act VIII) No.43 of 2022
C.N.R. No. WBJP01-002231-2022

Order No.27, dated – 05.02.2026,

One put-up petition has been filed on behalf of the appellant for placing the record before this court.

Put-up petition is heard, considered and allowed.

Record is placed before this court on put up.

Along with put up petition one petition has been filed on behalf of the petitioner under Order 6 Rule 17 read with sec.151 of the C.P.C. for amendment of the application as filed under the Act, VIII.

Petition is taken up for consideration.

Same is heard and considered.

It is a case of the petitioner that due to inadvertent mistake some near relatives of the minor could not be made party or in respect of them no notice has been issued. So, considering them as necessary party, for proper adjudication of the issue in controversy, their name may be incorporated by amending the application as filed on behalf of the petitioner under Act, VIII and necessary order may be passed in this regard by allowing the application under Order VI Rule 17 read with sec.151 of the C.P.C.

None is present to oppose this petition.

Upon perusal of the petition and after going through the record and considering the submission of the Ld. Advocate for the petitioner, it appears that amendment has been for incorporating name of near relatives of the minor viz. Debojit Bakshi and Ajit Bakshi in the application as necessary party and notice may be served upon them. Moreover, the instant Misc Judicial case attains its finality for passing order after completion of the stage of evidence. However, from the petition, it appears that in spite of due diligence amendment could not be sought for since name of those near relatives was not within the knowledge of the petitioner at the time of initiation of this Misc Judicial Case. However, in case of allowing the amendment petition, nature and character of the present Misc Judicial case shall not be changed.

In view of that, this court is inclined to allow the prayer for amendment, as sought for on behalf of the petitioner by filing a petition under Order VI Rule 17 read with sec.151 of the C.P.C.

Accordingly, the petition for amendment under Order VI Rule 17 read with sec.151 of the C.P.C. is allowed and disposed of.

Petitioner is directed to file amended copy of application under Act, VIII.

Ld. Advocate appearing on behalf of the petitioner is directed to take steps for issuance of summon upon the added parties i.e. near relatives namely Debojit Bakshi and Ajit Bakshi.

Requisite be filed in the mean time.

Hearing of the instant Misc Judicial case shall remain kept in abeyance till filing of the amended application and appearance of the near relatives.

Fix 07.03.2026 for filing of amended copy of application and S.R., AD and appearance of the near relatives.

Dictated & Corrected by me

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)

Later

Amended copy of application under Act, VIII as filed on behalf of the petitioner, has been filed today. Let it be kept with the record.

Todate for SR, AD and appearance of the near relatives.

Dictated & Corrected by me

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)