

Misc Case (preemption) 61/2022
(CNR no. WBSP0E0009852022)

Order no.17 Dated 29.06.2024

Today is fixed for hearing of Order 6 rule 17 petition dated 20.01.2024.

Petitioner files hazira and prayer for extension of ad interim injunction.

Defendant files hazira.

Heard submission of both the sides and considered materials on record.

Defendant Chhedek filed the instant amendment petition supported by affidavit inter alia, stating that due to typographical mistake and unavailability of proper information the petitioner was not able to incorporate certain facts in the written objection and therefore it is necessary to add certain fact as per schedule of amendment in the written statement.

Plaintiff filed written objection and stated that in item no. 3 and 4 the proposed amendment is where is to be incorporated have not been mentioned as a result of which the amendment application may be rejected.

Perused the materials on record and found that the defendant desires to amend the written objection as in para 2 of the application, it is stated that the petitioner is contesting the suit by filing written objection. It is legal implication that the petitioners seem to amend the written objection filed against the plaint. Also although in the proposed amendment in item 3 it is not written as to where in the middle of 17 line of para 22 , the word No is to be inserted but by way of legal implication I am inclined to allow the amendment. As in the body of application vide para no.4, it is written that written objection is to be amended, the same is construed liberally even if it is not written in the proposed amendment as because procedure is handmade of justice. In such circumstances, the court allows the amendment with cost of Rs. 500/- to be paid to the plaintiff.

Hence it is

ORDERED

that the petition under Order VI Rule 17 of CPC dated 20.01.2024 filed by petitioner is considered and allowed ex parte without any order as to cost.

Petitioner are directed to file amended written statement on next dated.

The petition dt. stands disposed off.

To 05.11.2024 for filing of amended written statement by the defendant.

Plaintiff shall be at liberty to file replication or rejoinder , if any and injunction hearing.

A.I. order is extended till next date.

D/C by

sd/-

Civil Judge (Jr. Divn.), 2nd Court
Baruipur, South 24-Parganas

sd/-

Civil Judge (Jr. Divn.), 2nd Court
Baruipur, South 24-Parganas