

MACC 35 of 2021

Order dated 04.08.2025

Today is fixed for PH.

Both the petitioner and the O.P. files appearance through their Ld. Counsel.

Ld. Counsel for the petitioner and the O.P. are present.

Petitioner is present along with one witness and filed affidavit in chief. Copy supplied.

The witness is examined as PW 1.

Thereafter, petitioner by filing an application u/s 151 C.P.C. submit that the petitioner NO. 3 was a minor at the time of filing claim petition. Now the petitioner No. 3 has attained majority. Thus, the petitioner No. 3 intend to contest this case by herself.

The Ld. Counsel of the OP does not raises vehement objection to the prayer of the petitioner.

The purpose of section 151 C.P.C. is to invoke the inherent power of the court to make order as may be necessary for the ends of justice. The provision is limited only to those circumstances where procedural gap exists to ensure that substantial justice is not obliterated.

In the present case it appears that the petitioner NO. 3 was minor on 22.03.2021 when the case was filed and she was represented by her natural guardian, mother. The date of birth of the petitioner No. 3 is 11.12.2004. The xerox copy of birth certificate of petitioner No. 3 has been filed. Now Petitioner No. 3 had became a major. Thus, she can contest the case by herself. Hence, the application of petitioner No. 3 u/s 151 C.P.C. is allowed.

Hence, it is,

Ordered

that the prayer of the petitioner No. 3 to contest the case by herself is allowed.

The petitioner is directed to file amended cause title and plaint.

Fixing 01.11.2025 for further PW.

Later,

Amended plaint is filed by the petitioner which is kept in the record. Copy supplied.

Addl. Dist. & Sessions Judge, F.T.C. -1,
Alipurduar.
J.O. Code W.B. 01009