

P.S. 84 of 2021
Reg. No. 84 of 2021
CNR No. WBMD06-000107-2021

Order No. 08 / Dt. 06.01.2023.

On prayer of Plaintiff, the ad interim order of temporary injunction is extended till next date. Plaintiff files document with firisti. Let it be kept with the record.

Plaintiff moves the petitions under Order 6 Rule 17 C.P.C for amendment of Plaintiff and a petition u/s. 153 CPC for amendment of temporary injunction petition dated 21.04.2022.

Heard Ld. Advocates for both sides.

It is stated by the Plaintiff that they have filed the present suit for partition and during the drafting of the Plaintiff, some mistakes occurred and some facts have been left out in the body, schedule and valuation statement of Plaintiff and also in the petition for Temporary Injunction and it is necessary to rectify the same or else the Plaintiff will be highly prejudiced. Perused the record.

Perused the record, petition and documents i.e. the certified copy of Gift Deed filed by the Plaintiff from which it appears that the Plaintiff acquired share in the suit property.

It also appears that vide the amendment the Plaintiff seeks to rectify the mistakes and also insert the subsequent events and the same is formal in nature and will not prejudice the Defendants and it will not change the nature and character of this suit. For proper and final adjudication of the suit the proposed amendment in the Plaintiff necessary.

Hence, it is,

ORDERED

that the petition under Order 6 Rule 17 CPC and the petition u/s. 153 CPC filed by the Plaintiff today are hereby allowed on contest.

Let the Plaintiff and Temporary Injunction Petition be amended accordingly.

Plaintiff is directed to file amended copy of Plaintiff and Temporary Injunction petition.

To 26.06.2023 for filing of amended Plaintiff and for taking fresh steps upon the Defendants.

Dictated & Corrected by me.

C.J (Sr. Divn.), Lalbagh, Msd.
J.O. Code – WB00832.

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