

Title Suit no. - 03 of 2023

WBNP18-000003-2023

Order dt. 05/03/2026

Today is fixed for passing order in respect of the hearing of application u/O VI Rule 17 of CPC.

Defendant filed hazira. Plaintiff takes no steps till 11.40 am.

Let the case record be taken up for passing order.

On last occasion heard the Ld. Advocates for both sides.

Perused the instant application, WO thereto and other materials on record.

Considering all these it appears that the proposed amendment as mentioned in the schedule of the instant application is required for determination of real controversy between the parties and accordingly relief claimed by the plaintiff is also changed. Though, the defendant no. 4 praying for rejecting of the instant application on the ground that proposed amendment will change the nature and character of the suit but this Court find no such change if allowed the proposed amendment. Therefore the same is required to be added in the plaint for proper adjudication and effective disposal. However, by this amendment, the suit value will be increased and it is also mentioned herein that the title of the plaintiff is required to be adjudicated as principal relief and recovery of khas possession is also claimed by the plaintiff as consequential relief. In view of the same the suit value will be calculated.

Hence it is,

O R D E R E D

that the application under Or. VI R 17 of C.P.Code is hereby considered and allowed on contest with cost of Rs. 1000/- to be paid to the defendant no. 4.

To 12/05/2026 for filling amended plaint and payment of costs.

Plaintiff is directed to calculate the suit value afresh and pay Court fees accordingly.

D/C by me.

Civil Judge (Jr. Divin)

Bidhannagar

J.O. Code WB 01155

