

EJ Suit 54 OF 12 CIS 3774 OF 14  
CNR WBNP18-001490-2012

09-06-2022

Today is fixed for hearing of petition U/o-6 Rule 17 of CPC filed by the plaintiffs praying for amendment of plaint on the ground stated therein.

Both sides file hazira.

Hd. the Ld. Adv for the both sides.

Now, the record is taken up for hearing and passing order in respect of petition U/o-6 Rule 7 of CPC filed by the plaintiffs.

During the course of hearing Ld. Adv for the plaintiffs submitted that the proposed amendment is formal in nature and shall not change the nature and character of the suit. Thus, the amendment petition should be allowed.

On the other hand Ld. Adv for the defendant raised strong objection and submitted that proposed amendment should not be allowed as because it will change the nature and character of the suit property. Ld. Adv also referred a Judgement reported in 2020(1) ICC (Cal) 408.

Considered.

On perusal of the plaint, petition, W.O and other connected materials on record, this Court is of the view that proposed of amendment is formal in nature and shall not change the nature and character of this suit. It also appears that the proposed amendment is a subsequent fact which ought to be brought by way of amendment for proper adjudication of this suit.

If the proposed amendment is allowed, the defendant will not prejudiced. So, this Court is inclined to allow this petition. The Judgement referred by the Ld. Adv is not applicable to the facts of this suit.

Hence, it is

ORDERED

that the petition U/o-6 rule 17 of CPC is hereby allowed on

contest and disposed of accordingly.

The plaintiffs are hereby directed to amend the plaint as per the schedule of the amendment petition within 20 days.

The plaintiffs are also directed to serve a copy of amended plaint to the defendant. Defendant is at liberty to file additional W.S, if any, in the mean time.

Fix 25.08.2022 for amended plaint and framing of issue. Discovery, inspection if any in the meantime.

D/c by me

Civil Judge (Jr. Divn.)  
(JO CODE WB01423)

Bidhannagar

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(JO CODE WB01423)

Bidhannagar

