

**EJECTION SUIT NO. :- 22 OF 2018**  
**(CNR No. WBPS01-001081-2018)**  
**(JO CODE No. WB01229)**

Order No. - 51  
Dt. 05.03.2024

Today is fixed for hearing of the maintainability of the suit.

Both parties file hazira.

Heard both sides. Considered. Perused the materials on record.

On perusal of the same, it appears that previously one preliminary issued was framed.

It further appears that on previous occasion the defendant has raised objection against the landlord/tenant relationship and at the time of passing order under Section 7(2) of W.B.P.T. Act, it was decided that the application under Section 7(2) of W.B.P.T Act is not maintainable after taking evidence and at that time the defendant did not raised regarding the maintainability of the suit and this type of tactics for framing any preliminary issue is appeared to be dilatory tactics and as such the same cannot be entertain and accordingly, after perusal the pleadings of the parties, the issues are hereby framed and kept in order sheet.

It also appears that one petition under Section 7(3) of W.B.P.T. Act has been filed by the plaintiff.

The petition would be considered at the time of final hearing of the suit.

The plaintiff filed another petition dated 11.01.2024 under Order 6 Rule 17 of the CPC filed by the plaintiffs.

Now the case record is taken up for hearing of the petition dated 11.01.2024 under Order 6 Rule 17 of the CPC filed by the plaintiffs.

Heard. Considered. Perused the petition and other materials on record.

Considering the same, it appears that at the time of drafting of plaint due to overlook and bonafide typing mistake four words were not typed in the plaint and now the plaintiffs want to incorporate the said ground in the schedule

mentioned in the instant petition and proposed amendment does not change the nature and character of the suit and hence, prayed for allowing the instant application.

Considered. Perused the petition and materials on record.

On perusal of the same, it appears that the plaintiffs want to incorporate the fact regarding the reasonable requirement as mentioned in the schedule of the amendment petition and the proposed amendment as sought for is required to be adjudicated for proper decision of this suit.

Accordingly, the instant petition dated 11.01.2024 under Order 6 Rule 17 of the CPC filed by the plaintiffs is hereby allowed on contest.

Plaintiffs are directed to file amended plaint.

Defendant is at liberty to file additional W/S if any.

To 09.05.2024 for P.H. and filing for amended plaint.

**[ Dictated and corrected by me ]**

Sd/-

(Manabendra Nath Ghosh)  
Judge, Bench – II,  
Presidency Small Cause Court,  
Calcutta.

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