

Ej.Suit No. 111 of 2022
WBPS01-000171-2022

Order No. 17

Date: 16.12.2024

Today is fixed for hearing of the petition under section 7(2) of the W.B.P.T. Act filed by the defendant and another under Order-6, Rule-17 of the CPC filed by the plaintiff.

Both sides filed hazira through their respective Ld. Advocates.

No written objection has been filed to the application Under Order-6, Rule-17 .

The application U/O-6, Rule-17 of CPC r/w section 151 of CPC is taken up for hearing.

Heard both sides.

Perused the case record.

The Ld. Lawyer for the plaintiff submits that during the pendency of the suit, the defendant has made further structural additions and alterations in the suit room and premises in connivance with other tenants, trespassers changing it from residential purposes to commercial purposes. The plaintiff vide this amendment intends to incorporate the said alleged fact in the plaint

On the other hand, the defendant did not raise objection and left it to the decision of the court.

Having heard and considered the submission of the Ld. Lawyers, it appears that the alleged incident is a subsequent fact which has occurred during the pendency of the suit and the plaintiff could in no way could have incorporated it earlier. Further it appears that the amendment sought is necessary for proper adjudication of the suit.

In view of the above the petition u/o-6, Rule-17 is allowed on contest.

The plaintiff is directed to file the amended plaint on the next date, opportunity shall be given to the defendant to file his additional written statement.

The application under section 7(2) of the W.B.P.T. Act is taken up for hearing.

Heard both sides.

Perused the case record.

It appears that vide order no. 04 dated 29.04.2022, the Ld. Chief Judge, Presidency Small Causes Court, Calcutta in the instant suit had given direction to the defendant to deposit cureent rent month by month from the month if April 2022 by 15th of each succeeding month. The challan submitted this day for the perusal of the court shows that the rent for the months of March, 2022 and April 2022 have been deposited together though no order for deposit of rent for the month of March, 2022 has been made.

In view of the above, the department concerned is directed to give a clarification/explanation on this .

The defendant is directed to clarify on this point on the next day.

To 20.02.2025 for filing amended plaint by the plaintiff, report from the concerned department and further hearing of the petition under section 7(2) of the W.B.P.T.Act.

Dictated and corrected by me:

Judge

**Smt. Glady Bomjan
(J.O. Code: 01039)
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta**