

Ejectment Suit 141 of 2022.
[CNR No. WBPS01 000218-2022]
Before - Ashutosh Kumar Singh- Ld. Chief Judge.

24.

27-09-2024.

Today is fixed for filing show cause by the plaintiff.

Today plaintiff files a show cause petition as well as another application u/o-VI Rule 17 read with Section 151 of C.P.C praying for amendment of the plaint on the ground stated therein.

Plaintiff is present at the time of call.

At first the show cause petition filed by the plaintiff is taken up for hearing.

Ld. Advocate for the plaintiff submitted that due to mis-posting of date in the diary of Ld. Advocate , no steps were taken on behalf of the plaintiff on the last date of hearing. . There was no willful latches on the part of the petitioner. The plaintiff has filed a petition for show cause today. He prayed for allowing the petition.

Heard Ld. Advocate for the plaintiff. Perused the petition and materials on record.

Considered.

Cause shown by the plaintiff appears to be reasonable and the same is accepted.

Accordingly, the order of show cause dated 19-08-2024 is hereby vacated. Now, the application filed by the plaintiff today u/o-VI Rule 17 read with Section 151 of C.P.C praying for amendment of the plaint is taken up for hearing.

By filing the instant application, plaintiff has prayed for amendment of the plaint as per schedule mentioned in the application on the ground that due to typographical mistake, in the Cause Title of the plaint, in the address of the defendant, the police station has been wrongly mentioned as "P.S- Bowbazar" which acutually should have been under "P.S- Burrabazar". The said error requies to be rectified.

Ld Advocate for the plaintiff at the time of hearing prayed for allowing the petition.

Heard Ld. Advocate for the plaintiff. Perused the petition, schedule of amendment and materials on record.

Considered.

Careful perusal of the schedule of amendment , it appears that the proposed amendment is formal in nature and will not change the nature

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and character of the suit. Besides the same is necessary for the purpose of proper adjudication of the suit . The suit is also at its nascent stage and the defendant has not entered appearance in the suit as yet.

Considering such facts and circumstanc, this Court finds that the instant petition for amendment filed by the plaintiff may be allowed at the risk of the plaintiff.

Accordingly,

it is

Ordered

That the petition u/o-6 Rule 17 read with Section 151 of C.P.C filed by the plaintiff on 27-09-2024 is hereby allowed .

Let the plaint be amended as per schedule of the amendment made in the instant application. Note in the relevant register. Office to do the needful.

Plaintiff is directed to file amended plaint and take steps for service of summons upon the defendant along-with the amended plaint.

To (22/11/2024) for filing amended plaint by the plaintiff and further order.

Dictated & corrected
by me :-

Chief Judge.
J.O .Code:- WB 01244.

