

EJECTMENT SUIT NO. :- 132 OF 2021
(CNR No. WBPS01-000265-2021)
(JO CODE No. WB01165)

Before Smt. P. Shukla, Ld. Judge, 2nd Bench.

Order no. - 28
Dt. 24.07.2025

Today is fixed for order regarding petition under Order 6 Rule 17 of CPC.

Both parties filed hazira.

Heard the Ld. Advocate for defendant who prays to amend the Written Statement, as during pendency of this suit, some subsequent facts have been came into existence.

The grounds and the facts which needs to be incorporated in the W.S. is stated in detail in the schedule of instant petition.

Plaintiff filed written objection and argued that the instant petition is not maintainable.

Plaintiff denied each and every ground of amendment as prayed by defendant.

Heard. Considered. Perused the case record.

It appears that issues have been framed but deposition of witnesses has not yet started.

It also appears that these facts came into existence, subsequently during pendency of the suit.

The amendment sought is formal in nature and also necessary to determine the real dispute.

Court is relying upon the judgment - ***Ellora Sadhukhan Vs. Tapan Kumar Saha Roy, 2024(2) ICC (Cal.) 467*** and submitted that - *Amendment of written statement - Eviction - While considering application for amendment, Court should not go into correctness or falsity in case of amendment - According to plaintiff original owner executed registered Will in respect of entire property in favour of plaintiff and now what defendant wants to incorporate by way of amendment is that very same owner executed a Will in respect of a portion of property in their favour - In case of amendment of written statement, Courts inclining to be more liberal than of plaint as question of prejudice less likely to operate - Trial Court did not*

committed any illegality or impropriety nor exceeded jurisdiction in allowing amendment.

Hence, it is

ORDERED

that petition under Order 6 Rule 17 read with Section 151 of CPC is allowed on contest with a cost of Rs.1000/- by defendant to the plaintiff.

Thus, the petition is disposed of accordingly.

To 12.08.2025 for filing amended W/S by the defendant.

D/C by me.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.