

Ejectment Suit 181 of 2021.

[ CNR No WBPS 01 000341 2021. ]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-16.

09-01-2024.

Today is fixed for hearing of petition u/o-6 Rule 17 read with Section 151 of filed by the plaintiff dated 24-11-2023.

Plaintiff files hazira.

It appears that due to inadvertence, in the last line of Order No 15 dated 24-11-2023, direction was given to serve copy of the petition upon the defendant but the actual fact is the defendant has not yet entered appearance in the suit. The said anomaly is hereby removed from the face of the case record.

Now the petition u/o-6 Rule 17 read with Section 151 of filed by the plaintiff dated 24-11-2023 is taken up for hearing.

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

Considered.

By filing the instant petition plaintiff has prayed for amendment of the plaint as per schedule of the instant application on the ground that specification of the address of the defendant is very much required to be mentioned in the Cause Title of the plaint for proper service of summons upon the defendant who is trying to avoid service.

Upon careful perusal of the schedule of amendment , it appears that the proposed amendment is formal in nature and will not change the nature and character of the suit. Besides the same is necessary for the purpose of effective service of summons upon the defendant. The suit is also at its nascent stage and trial has not yet commenced.

*contd.....*

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(contd.....)

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This Court finds no reason not to allow the prayer 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 24-11-2023 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 amended plaint.

To ( **12-03-2024** ) for filing amended plaint and taking steps by the plaintiff.

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.