

EJECTMENT SUIT NO. 197 OF 2024
C. N. R. NO. WBPS01-000389-2024
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO. 08 DATED 09.04.2025

Plaintiff filels hazira.

Defendant has filed one petition under Or.6 R.17 read with Sec.151 of C.P.C. praying for amendment of the application under Sec.7(2) of the W. B. P. T. Act on the ground stated therein. Copy served. Let the same be kept with the record.

Defendant has also filed one petition praying for time for hearing of the petition under Sec.7(2) of the W. B. P. T. Act on the ground stated therein.

Today is fixed for filing receipt showing payment of cost of Rs.500/- by the defendant to the plaiintiff and hearing of the petition under Sec.7(2) of the W. B. P. T. Act.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition under Or.6 R.17 read with Sec.151 of C.P.C. filed by the defendant today by filing which it is submitted by the ld. Advocate for the defendant that in or about 2024, plaintiff filed an ejectment suit being No.197 of 2024 before Ld. Judge, Presidency Small Cause Court, Calcutta. Defendant appeared and filed petitions under Sec.7(1) and Sec.7(2) of the W. B. P. T. Act wherein ld. Court was pleased to allow the said application and the defendant is depositing the monthly rent with the concerned department. Defendant also filed written statement. It is further submitted by the ld. Advocate for the defendant that it has been inadvertently missed out to mention in the petition under Sec.7(2) of the W. B. P. T. Act that a portion of the tenanted premises i.e. '**one toilet**' in paragraph nos. 1, 3, 4, 5, 6, 7, 8, 9, 11, 13, 15, 16, 17 and in the prayer portion and prays for necessary amendment in the application under Sec.7(2) of the W. B. P. T. Act as per proposed amendment as mentioned in the schedule of amendment appended to this petition.

Though no written objection is filed by the plaintiff but it is submitted by the ld. Advocate for the plaintiff that the instant petition is not maintainable in law as the defendant, in the garb of amendment, is trying to delay the matter in any manner and as such, prays for rejection of the instant petition for amendment.

Heard ld. Advocates for both sides.

Perused the petition and the materials on record.

Considering the petition, materials on record and the submissions of ld. Advocates for both sides, I find that the amendment sought for by the defendant in the instant petition is very formal in nature and if the same is allowed, it will not change the nature and character of the suit and as such, the amendment sought for should be allowed.

ORDER NO. 08 contd.

Hence, it is

ORDERED

that the petition under Or.6 R.17 read with Sec.151 of C.P.C. filed by the defendant today is allowed on contest but without cost.

Amend the petition under Sec.7(2) of the W.B.P.T. Act as per schedule of amendment appended to the instant petition.

Defendant is directed to file amended copy of petition under Sec.7(2) of the Act within 14 days from the date of this order after service of copy of the same upon the plaintiff.

Fix 20.06.2025 for hearing of the petition under Sec.7(2) of the W.B.P.T. Act.

DICTATED AND CORRECTED BY ME,

JUDGE

JUDGE
[5TH BENCH]