

Ej. Suit No. 200 of 2023
CIS No. WBPS01-000433-2023

Order No. 27
21.12.2024

Today is fixed for hearing of the petition under Order-6, Rule-17 r/w Section 151 of CPC filed by the plaintiff dtd. 07.11.2024, written objection, if any, in the meantime.

Both sides filed hazira through their respective Ld. Advocates.

Today defendant has filed written objection in respect of the petition Under Order-6, Rule-17 of CPC filed the plaintiff on 07.11.2024.

Copy served.

Record is taken up for hearing petition u/o-6, rule-17 of C.P.C. dated 07.11.2024.

Heard both sides.

Perused petition and other materials on record.

Considered.

It appears from the petition that the plaintiff vide this amendment intends to incorporate the fact that are given below:

On page 4 of the plaint in paragraph 5(iii) in the fifth line after the word "and" the name "Ramanath Debnath" may be deleted and in its place the name "Ramananda Debnath" may be inserted.

On page-4 of the plaint, in paragraph 5(iii) in the eight line after the words "Debnath" the name "Ramendra Debnath" may be deleted and in its place the name "Ramananda Debnath" may be inserted.

On page-5 of the plaint, in paragraph 5 (vii) in the twentieth line, after the word "Thakurghar" the words "the plaintiffs are in possession of a very small room measuring about 20 sq. ft. (4'-5" x 5') on the ground floor, which unfit to be used for any purpose" may be inserted.

On page-6 of the plaint, in paragraph 56 (ix) in the tenth line, after the words "Sri Tapadyuti Kuila is in service in M/s. Infosys" the words "the office of the company is at Bhubaneswar and son of the plaintiffs is working online from his residence at Calcutta may be deleted and in its place the following may be inserted "he resigned from M/s. Infosys in Marcy, 2024 and joined M/s. Capgemini and he has joined service in Bangalore but

sometimes he has to work online from his residence at Calcutta”.

The defendant submitted that he does not have any objection with regard to the other amendments except the inclusion of the an additional room plaintiffs are in possession of a very small room measuring about 20 sq. ft. (4'-5" x 5') on the ground floor, which unfit to be used for any purpose.

Having heard, perused and considered the submission of the parties and the case record, it appears that one of the grounds for eviction is reasonable requirements of the plaintiff. The Commission Report also shows that the above room is in possession of the plaintiff though the plaintiff has not mentioned the same in his plaint. No doubt that the plaintiff has left out the said room in his plaint on the ground that it can not be used for any purposes but however small, the fact is that there is a room under his possession and it is upon the court to decide whether it can be considered during the final outcome of the suit as a room or not. In a suit for eviction on ground of reasonable requirements, ascertaining the possessions of the respective parties is important and crucial as it assists the court in determining the real controversies between the parties to the suit. The defendants will not in any way will be prejudiced if more premises is found to be in the possession of the plaintiff. The above proposed amendments is crucial for proper adjudication of the case and for ends of justice.

Hence, it is,

O R D E R E D,

That the petition u/o-6, rule-17 of C.P.C. dated 07.11.2024 filed by the plaintiff is hereby allowed on contest with cost of Rs. 2000/- by the plaintiff.

Amend plaint accordingly.

Plaintiff to file amended copy of plaint.

Fix **06.02.2025** for filing amended copy of plaint and filing receipt payment of cost.

Dictated and corrected by me:

Judge

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

Later
21.12.2024

The BC-I of this Bench has informed me about the fact that the issues have already been framed by my Ld. Predecessor-in-Chair in a separate sheet but it is detected that it has not been signed.

Perused.

This day I put my signature on it and kept with the case record.

Dictated and corrected by me:

Judge

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