

EJECTMENT SUIT NO. 239 OF 2004 [305/2014]
C. N. R. NO. WBPS01-000981-2004
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO. 109 DATED 09.06.2025

Plaintiff files hazira.

No steps taken by the defendant.

Today is fixed for hearing of the petition under Or.6 R.17 of C.P.C. filed by the plaintiff on 22.04.2025.

Ld. Advocate for the plaintiff is present.

None moves for the defendant on repeated calls. It is now 12.30 P.M.

The record is taken up for hearing of the petition under Or.6 R.17 of C.P.C. filed by the plaintiff on 22.04.2025 by filing which it is submitted by the ld. Advocate for the plaintiff that during pendency of the suit, plaintiff obtained possession of one road-sideroom in the ground floor of the front building at 67, Lenin Sarani following delivery of possession by plaintiff's one of the tenants namely M/S. Bhattacharya Paper House, entire first floor of the front building at 67, Lenin Sarani, Kolkata-700012 following delivery of possession by Smt. Jaysree Mukherjee, Sri Somenath Mukherjee and Sri Deb Nath Mukherjee, the tenants-in-common and entire third floor of the front building at 67, Lenikn Wsarani, Kolkata-700012 following delivery of possession D. J. Antia, S.J.Antia, T.J. Antia and Y.J.Antia, the tenants-in-common and that apart the plaintiff also obtained sanction of Plan from K.M.C. but for want of vacant possession of the existing buildings of the premises, the reconstruction of the proposed building on demolition of existing ones occupied by several statutory tenants including the present defendant, whose tenancies have been terminated validly by appropriate eviction notice, could not be possible to be done and for fair and effective adjudication of the suit, incorporation of the said fact by way of amendment of plaint is necessary and as such, prayed for amendment of the plaint in terms of schedule of amendment.

Heard ld. Advocate for the plaintiff.

Perused the petition and the materials on record.

On careful perusal of the case record, it appears that the amendment sought for by the plaintiff is formal in nature and for proper and effective adjudication of the instant suit, the amendment sought for by the plaintiff is required to be incorporated. Moreover, the amendment sought for is very formal in nature and the same, if allowed, will not change the nature and character of the suit.

Hence, it is

ORDERED

that the petition under Or.6 R.17 of C.P.C. filed by the plaintiff on 22.04.2025 is allowed.

ORDER NO. 109 contd.

Amend the plaint accordingly.

Plaintiff is directed to file the amended copy of plaint within 14 days from the date of this order after service of the copy of the same upon the defendant.

Defendant is at liberty to file additional written statement, if any.

Fix 23.06.2025 for filing amended copy of plaint.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]