

EJECTMENT SUIT NO. :- 192 OF 2016
(CNR No. WBPS01-000506-2016)
(JO CODE No. WB01165)

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

Order no. - 86
Dt. 20.01.2026

Today is fixed for hearing of the petition under Order 6 Rule 17 read with Section 151 of CPC filed by the plaintiff.

Both parties filed hazira.

Heard the Ld. Advocate for the plaintiff who submitted that by way of amendment she is willing to insert the facts as stated in Para 1 and 2 of the schedule of the instant application. She also submitted that by production of document by the defendant, it appears that defendant is not residing in the suit property since last 10 months and therefore plaintiff is also seeking the eviction of defendant on the ground that defendant has kept the suit property under lock and key from the last 10 months, by way of amendment.

Per Contra, the defendant has contested the same and also filed the written objection.

At the time of the hearing, it is submitted by Ld. Advocate for the defendant that the facts stated in Para 1, 8(a) to 8(e) and Para 2 are facts on the record and there is no need to insert the same in the plaint by way of amendment.

Heard. Considered.

Perused the entire document available on the case record.

On perusal of the schedule of the proposed amendment from Para 1 8(a) to 8(e) are matters of record and this court do not find any just and proper reason to allow this amendment application in order to insert in the plaint the matter on record, the order sheet in respect of the proceeding of the suit.

Secondly, the court is also of the view that the grounds on which plaintiff filed the suit for eviction of the defendant must be in existence at the time of the filing of the suit and must not be made out during pendency of the suit.

Therefore the court is not inclined to allow the instant application.

Hence, it is

ORDERED

That the instant petition under Order 6 Rule 17 read with Section 151 of CPC filed by the plaintiff is rejected on contest without any order as to cost.

Today is also fixed for hearing of the petition under Section 151 of CPC which has been already disposed off.

To 21.01.2026 for hearing of the two petitions under Section 151 dated 15.11.2025 and also another petition dated 25.11.2025 positively.

D/C by me.

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

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