

EJECTMENT SUIT NO. 249 OF 2023
C.N.R No. WBPS01-000524-2023

IN THE COURT OF 4TH BENCH, PRESIDENCY SMALL CAUSE COURT,
CALCUTTA
PRESENT: SMT. ARCHITA SEN, JUDGE, 4TH BENCH, PRESIDENCY SMALL
CAUSE COURT, CALCUTTA.

ORDER NO-19
DATED 13.03.2025:

Today is fixed for peremptory hearing of the suit. Defendant files attendance through her Ld. Advocate. One petition has been filed on behalf of the plaintiff with a prayer for time for peremptory hearing.

The plaintiff also files a petition with a prayer for withdrawing the suit from the peremptory board along with another petition under Order VI Rule 17 of the C.P.C.

Copy served.

The petition for withdrawal of the suit from the peremptory board is heard and the same is allowed.

Let the suit be withdrawn from the peremptory board.

It is submitted on behalf of the defendant that one written objection has to be filed against the petition for amendment. But the Ld. Advocate for the defendant has not stated any specific ground for the objection.

Accordingly the prayer for time is rejected.

The record is taken up for hearing of the petition dated 13.03.2025 under Order VI Rule 17 of the C.P.C.

Heard both sides. Perused the case record including the petition.

Considered.

The amendment has been sought to add some words before the word "plaintiff" as during the pendency of the suit the original plaintiff died. Apart from that the present plaintiff wants to amend the plaint for incorporating and changing some words to make the averments of the plaint, of the averment of the present plaintiff. For that reasons the present plaintiff filed the instant petition.

Ld. Advocate for the defendant raised strong objection against the prayer of the plaintiff and submitted that the proposed amendment will change the nature of the suit.

It is quite natural that when the plaint was filed, all the contents of the plaint were stated by the original plaintiff as her own averment. But on the death of the original plaintiff, the present plaintiff has been substituted in the suit and now the contents of the plaint have become the averments of the present plaintiff. So some technical changes in the words used are needed. The proposed amendment is formal in nature and can no way change the nature and character of the suit.

On perusal of the petition and post considering the contemplation of the plaint this Court is of the view that the amendments that are sought for are of such a nature that is in consonance with the facts embodied in the plaint. So in the opinion of the Court that amendment will not change the nature and character of the suit nor it is of such a nature which is barred by the law of limitation. This Court finds no impediment to allow the instant prayer.

Accordingly it is

O R D E R E D.

That let the amendment as sought for by the petition under Order VI Rule-17 of the Code of Civil Procedure, dated 13.03.2025 is allowed.

Let the petition under Order VI Rule-17 of the Code of Civil Procedure dated 13.03.2025 be treated as part of the plaint.

D.A. to do needful. Note accordingly.

Plaintiff to file amended plaint within next date positively after serving copy of the same upon the defendant.

The petition under Order VI Rule-17 of the Code of Civil Procedure, 1908 dated 13.03.2025 is thus allowed and disposed of on contest and without costs, in above terms.

To 21-05-2025 for steps by plaintiff.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta

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