

Order no.54 dt.07/08/17

*Parties file hazira.*

*Today is fixed for order in connection two petitions.*

ORDER 6 RULE 17

*As far as this petition is concerned, plaintiff wants to amend the plaint to introduce subsequent event. The plaintiff wants to introduce by amendment a subsequent fact. This fact relates to the death of the original defendant and also his wife and the subsequent status of the other legal heirs. I find that such amendment, is necessary for determination of the question in controversy between the parties.*

*Accordingly, the petition is allowed.*

*To 07/09/17 for filing amended plaint.*

*Defendant is at liberty to file additional w/s thereafter.*

PETITION U/O 7 RULE 10 :-

*Plaintiff has prayed for returned of the plaint and to transfer the same before the Ld. Chief Judge, City Civil Court, Calcutta. The ground on which Plaintiff has prayed for returned of the plaint is that five years have lapsed from the date of death of original defendant. The original defendant died on 15/11/10. This is during pendency of the suit. This can be, at best a ground for eviction and not for returned of plaint. That this Court has no jurisdiction to try this suit is not proved to my satisfaction and hence this petition is rejected.*

*To date for filing amended plaint.*

*D/C by me*

*Judge, 4<sup>th</sup> Bench*

*Judge*