

EJECTION SUIT NO. :- 271 OF 2023
(CNR No. WBPS01-000567-2023)
(JO CODE No. WB01165)

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

Order no. - 14
Dt. 16.07.2025

Today is fixed for order.

Both parties filed hazira.

Ld. Advocate for defendant prays to reject the amended plaint filed by plaintiffs for non-compliance with Order 6 Rule 17 of CPC and direct the plaintiff to file a formal application under Order 6 Rule 17 for amendment of the plaint including proper substitution and incorporation of facts post death of defendant no. 3 on the grounds as mentioned in Para 4 of instant petition.

Plaintiff raised strong objection.

Heard. Considered.

On perusal of the case record, it appears that the amended cause title of the plaint is filed in accordance with order No. 11 dated 18.01.2025.

Rukshana Khatoon is deceased plaintiff no. 3 and she is rightly substituted while in this petition it is mentioned as 'deceased defendant no. 4' [in para 4(a)].

Secondly, it is not specifically stated by defendant/ petitioner that which new facts has been inserted by the plaintiff.

It also appears that defence of the defendant is also struck out.

This court, do not find any merit to allow the instant petition.

Hence, it is

ORDERED

that the instant petition is rejected on contest.

To 19.08.2025 for framing of issue.

D/C by me.

Sd/-

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

Sd/-

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