

EJECTMENT SUIT NO. 300 OF 2024
C. N. R. NO. WBPS01-000598-2024
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO. 14 DATED 05.02.2026

Both parties file hazira.

Defendant have also filed as many as four petitions on affidavit, one under Or.18 r.17 read with Sec.151 of C.P.C. praying for recalling P.W.I, Vinod Ramani to respond to the questions put to him as per the questionaries mentioned in the instant petition, one petition under Or.6 R.17 read with Sec.151 of C.P.C. in connection with the petition under Sec.7(2) of the W. B. P. T. Act to allow the proposed amendment given in the schedule of amendment and incorporation of the name in the body of the application under Sec.7(2) of the W. B. P. T. Act and permit the defendants to proceed with the said amended application and another petition to take up the application filed by the defendants under Or.6 R.17 of C.P.C. of the application under Sec.7(2) of the W.B.P.T. Act before any other interlocutory application and take off the matter from the board of argument of the application under Sec.7(2) of the W.B.P.T. Act for proper adjudication of the suit and also an application under Sec.151 of C.P.C. praying for call for a report from the concerned department of System Officer or the competent authority to submit a report as to when the order dated 03.01.2025 was uploaded or published in the e court website on the grounds stated therein. Copies of the said petitions are served upon the plaintiff. Let the same be kept with the record.

Today is fixed for hearing of argument in respect of petition under Sec.7(2) of the W.B.P.T. Act and hearing of the petition dated 17.01.2026 filed by the plaintiff under Or.6 R.17 of C.P.C. praying for amendment of the plaint in terms of schedule of amendment given in the petition on the ground stated therein.

By filing the instant petition, it is submitted by the Id. Advocate for the plaintiff that the instant suit has been filed for eviction of the defendants on the grounds of default and reasonable requirement. Defendants are defaulter in payment of rent in respect of the suit premises since April 2024 which is clearly mentioned in the ejectment notice but due to typographical error, the period of default in payment of rent, service charges, K.M.C. tax, commercial surcharge and other charges for the suit property is wrongly typed as since April 2004 in place of April 2024 and prays for amendment plaint in terms of schedule of amendment of the instant petition.

Though no written objection is filed by the defendants but it is submitted by the Id. Advocate for the defendants that the instant petition is bad and should be rejected on contest.

Heard Id. Advocates for both sides.

Perused the petition and the materials on record.

ORDER NO. 14 contd.

Considering the petition, submissions of Id. Advocates for both sides and the materials on record, I find that the amendment sought for by the plaintiff is formal in nature and if the same is allowed, it will neither change the nature and character of the suit nor prejudice either parties to this suit and accordingly, the instant petition should be allowed. Moreover, for proper and effective adjudication of the instant suit, the petition should be allowed.

Hence, it is

ORDERED

that the petition under Or.6 R.17 read with Sec.151 of C.P.C. filed by the plaintiff is allowed on contest but without any cost.

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

Now, the petition under Sec.151 of C.P.C. filed by the defendant today is taken up for hearing by filing which it is submitted by the Id. Advocate for the defendant that a report may be called for from the concerned department of System Officer or the competent authority as to when the order dated 03.01.2025 was uploaded or published in the e court website.

Ld. Advocate for the plaintiff has raised strong objection and submits that the defendant was fully aware of the said order and intentionally failed to comply with the same and as such prays for rejection of the same.

Heard Id. Advocates for both sides.

Perused the petition and the materials on record.

The defendant intends to agitate a pertinent issue on effects of delayed uploading of orders in the CIS system. It harps on the systemic loopholes due to court computerisation. Defendant may avail the opportunity to assail the issue before this Court.

Accordingly, the petition stands allowed but without costs.

Let a report be called for from the System Officer as when the order dated 03.01.2025 was uploaded and/or published in the e court website with logging details. Send a copy of this order to S.O. for compliance.

Fix 19.02.2026 for filing amended copy of plaint awaiting report from the System Officer and hearing of the petitions filed by the defendants today. W/O, if any, in the meantime.

DICTATED AND CORRECTED BY ME,

JUDGE

JUDGE
[5TH BENCH]