

EJECTMENT SUIT NO. 232 OF 2019
C.N.R No. WBPS01-000618-2019

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-34
DATED 02.05.2025:

Today is fixed for hearing of the petition dated 13.03.2025 under Order VI Rule 17 of the Code of Civil Procedure filed by the plaintiff. Both the parties file separate attendance through their respective Ld. Advocates.

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. No written objection is filed by the defendant against the instant petition.

Considered.

The amendment has been sought to correct the name of the defendant in the cause title of the last amended plaint. It is submitted that the name of the defendant has been inadvertently written as Swapan Das instead of Prasanta Maity in the last amended plaint.

Ld. Advocate for the defendant did not raise much objection against the prayer of the plaintiff.

It appears that the suit was filed against Prasanta Maity. But while filing the amended plaint, the name of the defendant has been typed as Swapan Das. So this Court thinks that the proposed amendment is formal in nature and it will not 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 amendment that is sought for is 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 01-07-2025 for steps by plaintiff.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

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