

EJECTMENT SUIT NO. 145 OF 2008
C. N. R. NO. WBPS01-000641-2008
Before Sri Sridhar Chandra Su, Ld. Judge, 5th Bench.

ORDER NO. 69 DATED 08.02.2022

Today is fixed for hearing of the petition under Or.6 R.17 read with Sec.151 of C.P.C. filed by the plaintiff.

Both parties have filed their respective haziras.

Ld. Advocates for both sides are present.

The record is taken up for hearing the petition.

It is submitted by ld. Advocate for the plaintiff that he has already mentioned in his plaint about the unauthorized construction and nuisance. In the present petition, he has mentioned in details for bringing the real facts before this Court. Ld. Advocate has further submitted that the defendant has scope to file additional written statement.

Ld. Advocate for the defendant has raised objection and submitted that the plaintiff did not file any documents in support of the said fact and prayed that the amendment petition will be dismissed.

Considering the above context, the amendment sought for by the plaintiff, if be allowed, will not change the nature and character of the suit.

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 hereby allowed on contest with cost of Rs.1500/-, 50% of which [Rs.750/-] is to be paid by the plaintiff to the defendant and rest 50% amounting to Rs.750/- to be paid to the D.L.S.A.

Defendant is at liberty to file additional written statement.

Plaintiff is directed to file the amended copy of plaint and receipts thereof on the next date fixed positively.

Fix 23.02.2022 for filing amended copy of plaint and receipt showing payment of cost by the plaintiff.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]
J.O. Code No. WB-00-620.