

**EJECTMENT SUIT NO. :- 361 OF 2016**  
**(CNR No. WBPS01-000809-2016)**  
**(JO CODE No. WB01229)**

Order No. - 47  
Dt. 16.08.2022

Today is fixed for passing order.

Both sides file hazira.

Now the case record is taken up for passing necessary order in respect of the petition dated 10.07.2019 under Order 6 Rule 17 of the CPC read with Section 151 of the CPC filed by the plaintiff.

Heard Ld. Advocate for the plaintiff who submitted that during the pendency of the suit, some subsequent events have been occurred and by mistake and inadvertence some facts have not been stated in the plaint and the plaintiff wants to incorporate those facts in the original plaint which are required for proper adjudication of the dispute between the parties and the same will not change the nature and character of the suit.

Heard Ld. Advocate for the defendant who after filing written objection, submitted that the plaintiff has filed the suit in the year 2016 and commission was held in respect of the suit premises as per prayer of the plaintiff and the plaintiff wants to incorporate some facts after going through the commissioner report and trying to change the plaint which will change the nature and character of the suit and the facts which are wanted to be incorporated in the plaint are nothing but after thought and that cannot be allowed and hence prayed the rejection of the same.

Considered. Perused the petition and materials on record and the written objection filed by the defendant.

On perusal of the same, it appears that the plaintiff wants to incorporate those facts which are not made at the time of filing of the plaint being the subsequent event and also wants to introduce some facts which was not stated in the original facts due to inadvertence.

Order 6 Rule 17 of the CPC provides that the Court may at any stage of proceedings allow either parties to alter or amend his pleadings in such manner and such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Here in this case, it also appears that as per prayer of the plaintiff local inspection was held and Ld. Commissioner has submitted her report and it has been elaborately discussed about the possession of the parties over the suit premises and the amendment as sought for cannot be allowed at this stage when the commission was held over the suit property and alleged amendment as sought for is to fill up the lacuna which was stated by the Ld. Commissioner in her report and the proposed amendment is nothing but after thought of the plaintiff which caused the change of nature and character of the suit.

Accordingly, the petition for amendment of the plaint filed by the plaintiff has no merit at all and the same is liable to be rejected on contest.

Hence, it is

**ORDERED**

that the petition dated 10.07.2019 under Order 6 Rule 17 of the CPC read with Section 151 of the CPC filed by the plaintiff is hereby rejected on contest.

To 14.11.2022 for P.H.

Parties to this suit are hereby ready for evidence on the next date positively.

D/C by me.

Sd/-

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

Sd/-

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