

In the Court of Additional District & Sessions Judge,
2nd Court, Sealdah, South 24 Parganas

Title Appeal 05 of 2023 [R-5 of 2023]

Present: Sri Abir Chatterjee, Additional Dist. & Sess. Judge.
Judicial Officer's Code : WB00833

Order Number 12 dated 23.08.2024

Parties file hazira.

WO filed against the proposed amendment.

Case record is taken up for hearing in respect of the application under Order 6 Rule 17 of C.P.C. for amendment of the memorandum of appeal.

Heard both sides in full.

Ld. Advocate for the appellant stated that proposed amendment formal in nature and directed at introducing the nomenclature represented by secretary in the cause title of the memorandum appeal.

Objecting to the amendment Ld. Advocate for the respondents stated that order 6 Rule 17 is not the provision for seeking amendment of the memorandum. The defect in the schedule for the amendment was also pointed out.

Upon consider the submission made and on perusal of the materials on record it appears that order 41 Rule 3 of CPC provides for amendment of the memorandum of appeal. Erroneous description of the provision of law in the petition is not fatal and the contents of the petition supersedes the error.

So far the proposed amendment is concerned it is quite formal in nature though the petitioner had rendered the schedule of amendment clumsy. Let the words '**represented by its secretary**' be added after the words registration Act 1961 in the cause title of the memorandum in respect of respondent no. 1.

Necessary changes be noted in the cause title. Requisite at once.

To **09.12.2024** for SR and hearing of the application u/s 5 of Limitation Act.

Dict. & Corr. by me,

Addl. Dist. & Sess. Judge, 2nd Court,

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