

O. S.-04/2025

Order No.06.

Dated: 19.11.2025:

Today is fixed for hearing of the petition U/O.6 R 17 of C.P. Code, filing W.S. by defendant no.1 & S/R of defendant Nos. 2 to 5.

Both parties file hazira.

Defendant no.2 to 4 also files hazira without any Vakalatnama.

Defendant no.1 files hazira along with WS.

Copy is served.

Defendant no.2 to 4 is to take proper steps on date fixed id necessary order to be passed.

Thereafter, petition dated 18.08.2025 filed U/O 6 Rule 17 of CPCode is taken up for hearing whereby it appears that the petitioner/plaintiff intends to incorporate certain facts as morefully described in the schedule of the instant application, which accrued subsequent to the institution of Probate proceedings before Ld. District Delegate, Sealdah.

Heard Ld. Advocate on behalf of the plaintiff and defendant no.1.

Considered submission of both sides at length.

From the perusal of the proposed amendment, it appears that if incorporated in the plaint, it will not the change the nature and character of the instant suit. This apart, the facts to be incorporated by way of amendment is based on subsequent events, after filing of the original Probate case before Ld. District Delegate, Sealdah.

Under such facts and circumstances, the petition dated 18.08.2025 filed U/O 6 Rule 17 of CPCode is allowed on contest, but without any costs.

Fix 03.12.25 for filing Amended Plaint and taking proper steps by defendant Nos. 2 to 4 and S/R of defendant No.5.

D/C by me,

ADJ, FTC-II, Sealdah.

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