

Title Suit 31/2015 (R- 173/2015)

Order no. CD dated 08.04.2016

Today is fixed for hearing petition under Order VI rule 17 CPC filed by the plaintiff as per order of the Hon'ble High Court at Calcutta. Ld Advocate of the plaintiff moves the petition.

Ld Advocate of the defendant raised objection referring the order of the Hon'ble High Court and submitted that the Paragraph 6A of the earlier application and the new Para 6A are not same and identical. He further contended that the said right to file different amendment is not granted to plaintiff by Hon'ble High Court and prayed for rejection of the petition.

Considered the submissions of the Ld Advocate. From the downloaded copy of the order supplied by Ld Advocate of the plaintiff at the time of hearing of petition under Order VI rule 17 CPC it appears that in C.O 463 of 2016 Hon'ble Court in order dated 01.03.2016 directed this court to allow the application for comprehensive amendment application with the proposed paragraph 6A as shown in the earlier application and the present application is found to be filed as per direction of the Hon'ble Court. This court has no other role but to allow the same.

Hence it is

Ordered

that the petition for amendment of plaint under order VI rule 17 CPC as was directed by the Hon'ble High Court is allowed.

Plaintiff to file amended plaint as per order VI rule 18 CPC. Defendant may file additional W/S if so desires by next date.

Fixing 02.05.2016 for framing of issues.

Typed by me

Judge. Small Causes Court

Sealdah

Judge. SCC, Sealdah