

Ejectment Appeal No. 24 of 2024

CIS 24 of 2024

(CNR No. WBSP07-002956-2024)

Present: Smt. Indrila Mukhopadhyay Mitra, Additional Dist. & Sess. Judge.

Order Number 08 dated 11.11.2025

The parties are present by filing their respective Ld Advocate's haziras.

Today is fixed for hearing of petition U/o 6 Rule 17 CPC read with Section 151 CPC filed by the appellants dated 07.04.2025. The application is supported by an affidavit. The matter is taken up for hearing.

The appellants/petitioners by filing this petition have submitted that during pendency of this appeal, certain developments took place in respect of the suit property which is necessary to be brought before the Court for fair adjudication of this appeal regarding reasonable requirements of the appellants. It is alleged that during the pendency of this Appeal, the daughter of plaintiff No.1 grew up. She got married, she became an Advocate, she gave birth to a male baby. The daughter of plaintiff No.3 also grew up. The son of plaintiff No.2 is an adult and is an amateur dancer, who wants to proceed his career as a dancer. It has also been mentioned that the plaintiffs during pendency of this Appeal got possession of a shop room by way of execution through Court and the said room has been converted into a garage. The appellants have therefore prayed for permitting them to amend the plaint as they could not amend the same in course of trial due to subsequent change of circumstances after disposal of the suit, otherwise, the petitioners/appellants will suffer irreparable loss.

The respondent/OP contested the petition by filing written objection. It is submitted that in course of trial, the petitioners/appellants could have very well filed the application for amendment before Ld Trial Judge. They got ample opportunities to incorporate the same in the plaint of the original suit. It is contended that the petitioners/appellants cannot be permitted to amend the plaint during the continuance of this Appeal. Apart from that the proposed amendments are not at all substantive statements and as such, it is prayed that the application may be rejected with cost.

I have considered the petition and the written objection. I have also heard Ld Advocates for both the parties. I find that the proposed amendment is subsequent development of the circumstances which arose after the disposal of the original suit. The propose amendment if allowed, will not change the nature and character of the original suit. It is felt that for effective adjudication of the matter in dispute, the petitioners/appellants should be permitted to amend the plaint as per schedule of amendments appended to the petition.

I am therefore inclined to allow the petition.

It is accordingly,

ORDERED

that the petition U/o 6 Rule 17 CPC dt.07.04.2025 filed by the petitioners/appellants is allowed on contest. Leave to amend the plaint as per schedule of the petition U/o 6 Rule 17 CPC read with Section 151 CPC is granted.

To **21.11.2025** for filing amended plaint.

I make no order as to cost.

D/C by me,

(I. M. Mitra)
Addl. District Judge,
2nd Court, Sealdah.

(I. M. Mitra)
Addl. District Judge,
2nd Court, Sealdah.
(J.O. No. WB-00656)