

T. S. No. 64 of 2021
CNR : WBSP17-000363-2021

(J.O. Code-WB00823)

Order no. 15 dated 07-01-2023

Today is fixed for SR/AD upon defendant nos. 2 and 4 and hearing of the petition dated 28.07.2022 under Order VI Rule 17 filed by the defendant no. 1.

Ld advocate on behalf of plaintiffs and defendant nos. 1 and 5 file their respective haziras.

The application under Order VI Rule 17 dated 28.7.2022 filed by the defendant no. 1 and the objection thereto filed by the plaintiff is taken up for hearing.

Heard both sides.

Considered.

The proposed amendment appears to be formal in nature. I am satisfied that the amendment sought for, will not change the nature, character and cause of action of the suit. So, the application under Order VI Rule 17 of the C.P.C. is allowed but without any cost.

Amend the written statement and register it accordingly.

Defendant no. 1 to file amended written statement within 15 days from the date of this order.

The application under Order VI Rule 17 is thus disposed of on contest.

The application under Order I Rule 10 filed by the plaintiffs this day is taken up for hearing in the presence of the ld advocate of both the sides.

Heard the learned advocate for the plaintiffs who states that in the written statement the defendant no. 5 has stated that the suit is bad for non-joinder of necessary parties and as per the wish of the defendant no. 5 the plaintiffs are amending the plaint.

Per contra the learned advocate for the defendants submit that it was very much within the knowledge of the plaintiffs that the suit was bad for non-joinder of necessary party and the plaintiffs purposely omitted the names of the other parties just to harass the present defendants and that the petition should be allowed with cost.

Heard both sides.

Considered.

In my considered view since the parties whose names are required to be added are necessary parties and their presence is necessary in order to enable this court to effectually and completely adjudicate the question involved in this suit, hence the application under Order I Rule 10 is allowed on contest but without any cost.

Amend the plaint accordingly and register the same.

Plaintiffs are directed to file amended plaint within 15 days from this date of this order.

Ld. Advocate on behalf of the plaintiffs file a petition under Order XI Rule 2 and 4 praying for interrogatories.

Heard. Perused the case record.

The petition is considered and allowed.

Defendant no. 1 is directed to furnish the particulars.

To 24.01.2023 for amended plaint and reply.

D/C

Sd/-

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(Civil Judge, Sr. Divn., Kakdwip)

(Civil Judge, Sr. Divn., Kakdwip)