

17.02.2025.

sg
Sl. No.7
Ct. No.3.

**C.O. 23 of 2025
CAN/1/2025**

**Tej Bahadur Gurung
Vs.
Ashit Rana & Ors.**

Mr. Rajat Das
... For the Petitioner

An order of the Civil Judge Junior Division at Gorubathan in Title Suit No. 2 of 2021 dated 13th November, 2024 is under challenge in this case, by dint of which, the Court has turned down the petitioner/ plaintiff's prayer for amendment of plaint, under Order VI Rule 17 of the Code of Civil Procedure.

The Court has cited the reason that the petitioner/ plaintiff has only repeated his earlier prayer for amendment which has already been dealt with by the Court.

Learned Advocate appearing for the petitioner has, however, objected to the said impugned order to challenge the legality and propriety thereof, that the prayer of the petitioner under order VI Rule 17 as made before the Court, is not similar to the petitioner's earlier prayer which was made at an earlier point of time. He

seeks that the impugned order be set aside and necessary order may be passed in this case allowing the petitioner to amend the plaint.

CAN/1/2025 is an affidavit by the petitioner/ plaintiff incorporating certain documents which he has not incorporated earlier in the civil revision application.

Heard submissions.

It is necessary that copy of the civil revision as well as CAN 1 of 2025 be immediately served upon the opposite parties and affidavit of service be filed in Court.

Let the impugned order dated 13th November, 2024 passed in Title Suit No. 2 of 2021 be stayed for four weeks from the date.

Let this matter be placed before the next Circuit Bench for further consideration.

(Rai Chattopadhyay, J.)