

## Ejectment Suit 546 of 2010

19.02.2018.

Both sides taken tehir due steps. Ld. Advocates are present.

Today is fixed for hearing of the petition filed by the plaintiff on 08.06.2017 under order 6 R 17 CPC and application u/S 151 CPC dt. 03.05.2017 filed by the defendant, W/O if any.

Defendant filed W/O against the petition u/O 6 R 17. copy served.

Ld. Advocate on behalf of the plaintiff submits before the court that this is an ejectment suit on the ground of reasonable requirement and as family members of the plaintiff being increased an accommodation of the plaintiff being more acute, it is necessary to amend the plaint as per schedule of the petition. This amendment will not change the nature and character of the suit. He prays for allowing the same.

Defendant raised objection that this petition has been filed by suppressing the material facts and the plaintiff came with unclean hand, that is why he prays for rejection of the same.

Hd. Considered. Considering all, found the proposed amendment will not change the nature and character of the suit and moreover by this proposed amendment defendant will not be prejudiced anyhow. Thus, I am inclined to allow the same.

The another petition u/S 151 CPC dt. 03.05.2017 filed by the defendant will be heard after the proposed amendment.

Hence, it is,

### ORDERED

That the instant petition under order 6 R 17 CPC is considered and allowed.

Plaintiff is directed to file the amended plaint before this court by next date as per the schedule of the petition.

Fix.....for steps by the plaintiff.

D & C by me

CJ(JD), 5<sup>th</sup> Court

Alipore

CJ