

Misc.(J) Case No. 15 of 2022

23-06-2022

By this order this court proposed to dispose the petition No. 1305/22 filed by petitioner under Order 6 Rule 17 read with section 151 CPC praying for amendment of the plaint.

The said petition was filed on 11-03-2022 and copy of the same has been duly furnished to the learned counsel appearing for the defendant and accordingly case was fixed for filing objection, if any and hearing. However, in spite of opportunities being given, the defendant/opposite party did not file any objection. Today, when the case is taken up for hearing, the counsel appearing for the defendant/opposite party is found absent except filing hajira.

By the said petition No. 1309/22 the petitioner proposed to bring certain subsequent development by way of amendment of the plaint which has been specifically pleaded in the form of propose amendment in the petition.

Having gone through the proposed amendment, it transpires that the amendment sought by the plaintiff appears to be necessary for the purpose of deciding the suit. Since, order 6 Rule 17 CPC empowers the court to allow amendment of the plaint if the same appears to the court necessary for deciding the real question in dispute. Having perused the proposed amendment, this court is of the considered view that amendment proposed is necessary in deciding the real question in controversy in right perspective.

Accordingly, allowing the prayer of the plaintiff this court do hereby direct the plaintiff to file amended plaint/petition by inserting the proposed amendment to be added after **paragraph 12 as paragraph 12 A.**

Petitioner shall file the amended plaint forthwith. In view of the above, this Misc.(J) case stands disposed off.



(C.B. Gogoi)
District Judge,
Sonitpur, Tezpur