

S/L 20
11.12.2020
Court. No. 19
GB

C.O. 1078 of 2020

Gouri Shankar Agarwalla
Vs.
Indrajit Singh & Ors.

(Through Video Conference)

Mr. Aniruddha Chatterjee.

...for the Petitioner.

A *prima facie* case has been made out by the petitioner. *Prima facie* it appears that the learned Civil Judge (Junior Division), First Court at Asansol, Paschim Bardhaman by an order dated January 16, 2020 passed in Preemption Misc. Case No.03 of 1994 rejected an application for amendment on the ground that the said amendment was hit by the amended proviso to Order 6, Rule 17 of the Code of Civil Procedure.

The learned advocate for the petitioner submits that this is a pre-amendment suit, filed in 1994 and as such the proviso shall not be applicable. The amendment application was also filed before the proviso was inserted.

There will be a stay of all further proceeding in Preemption Misc. Case No.03 of 1994 pending before the learned Civil Judge (Junior Division), First Court at Asansol, Paschim Bardhaman for a period of four months or until further order whichever is earlier.

The petitioner is directed to issue notice upon the opposite parties and file affidavit-of-service on the next date.

List this matter on February 10, 2021 at 2.00 p.m. for hearing.

(Shampa Sarkar, J.)