

15.12.2021
SL No. 3
Court No.19
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C.O. No 2343 of 2013
IA NO: CAN 1 of 2018 (Old No. CAN 9244 of 2018)
Smt. Smriti Sarkar & Ors.
Vs
Sri Susanta Kumar Sen & Ors.
(Via Video Conference)

Mr. Supriyo chattopadhyay, Advocate
Mr. S.C. Dhara

.....For the Petitioners

Present revisional application has been preferred against Order No. 76 dated 22nd January, 2013, wherein, Learned Trial Court was pleased to reject the petition under section 151 CPC wherein the plaintiff/petitioner has prayed for modification of the order dated 15.02.2021, by which the Learned Trial Court was pleased to reject plaintiff's application for amendment under Order 6 Rule 17 C.P.C., on technical grounds that the plaintiff has not filed the application alongwith relevant deeds and that the relevant application for amendment was not supported by affidavit. In the above background, learned senior counsel submits that liberty may be given to him to file a fresh application before the learned trial court with better particulars. Considering the facts and circumstances of the case,

I find that prayer is very innocuous. The liberty is hereby given to the plaintiff/appellant to file fresh application under Order 6 Rule 17 CPC with better particular before the learned Trial Court and the learned Trial Court after hearing will dispose of the said application without being influenced by any observation made by this Court. Since this suit is for the year 1993, learned Trial Court is requested to expedite the trial of the case and to dispose of the same preferably within a period of 12 months.

C.O. 2343 of 2013 is thus disposed of.

(Ajoy Kumar Mukherjee, J.)