7.03.19   Both sides represented.

Heard both sides.

Vide this order, this Misc.(J) case would be disposed off.

Defendant/counter claimant vide present prayer, prayed for amendment of written statement-cum-counter claim dated 30.10.18. Their case is that while writing said document inadvertently "Schedule-B" left to be inserted after "Schedule-A". Schedule-B comprises of illegal registered sale deed No.1710/16 dated 24.08.16. Hence, this prayer.

Vide written objection, plaintiff's contended that insertion of new schedule would change the nature and feature of suit and same is not permissible.

In light of rival pleadings, in this regard, when I scrutinized the entire case record, I found that T.S.No.20/18 originally is in the stage of issue/documents/receipt of cost. Dictionary meaning of the word "nature" is character/quality. Again the word "feature" means element/item/factor.

Counter claimant herein has prayed for right, title, interest and recovery of khass possession of the suit land. Apparently, declaration is the main relief sought for by counter claimant. I am not impressed by submission of learned counsel for O.P./plaintiff, that if the proposed amendment is allowed, that would change the nature and character of the counter claim. It appears in the written statement-cum-counter claim filed by defendant/counter claimant in para No.17, registered sale deed No.1710/2016 already finds place.

Contd.
7.03.19

      In the suit, issues have been framed only on last date and PWs evidence has not yet been started. To prevent multiplicity of suit and to decide the *lis* in an effective manner, proposed amendment to the extent of insertion of Schedule-B below existing Schedule-A is necessary. I found no legal bar in granting the prayer. Accordingly, said amendment stands **allowed** with cost of Rs. 1,000/- payable to O.P./plaintiff.

      The Misc.(J) case stands disposed off on contest with cost.

Civil Judge, Morigaon.