

**IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION)**

**Subdivisional Civil Court- Gogari**

Title Suit no.18/2020

Present: Kudus Ansari, Munsif, Gogari

Schedule XLII-High Court(J) 19 [Old (M)164 ]

Sl.	Date of Order of Proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	01.05.23	<p style="text-align: center;"><b><u>ORDER</u></b></p> <p>A petition u/o 6, rule 17 of C.P.C. dated 24/02/2023 is filed on behalf of plaintiff. Rejoinder is also filed by the defendant on 31.03.2023.</p> <p>Ld. counsel for plaintiff submitted that the instant suit is fixed for evidence of the plaintiff, but there is some typographical mistake in the plaint which need to be amended for clarification of the suit and as such the plaintiff proposes the following amendment in the plaint:-</p> <p>(a) In para-7 on page 6 of the plaint the area of land is wrongly mentioned as 01 kattha in stead of 01 Bigha which need to be amended.</p> <p>(b) In para 14 at page No.09 the suit land is mentioned as schedule-II which need to be amended as schedule-A (1).</p> <p>The aforesaid proposed amendments are formal one and do not change the nature of the suit.</p> <p>On the other hand ld. counsels for the defendants submitted that the petition filed by the plaintiff is not maintainable. The issues has already been framed and plaintiff has not explained the due diligence. The plaintiff did not explain the area related to whose property and how</p>	

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<p><u>Contin...</u> 01.05.23</p>	<p>the schedule was wrongly typed. Therefore the amendment petition may be rejected.</p> <p>Heard both the parties and perused the amendment petition as well as case record. It appears that proposed amendment is helpful in determining the real question in controversy between the parties. Moreover the case record was fixed for settlement of issues prior to the filing of instant amendment petition and the issues yet to frame. The proposed amendment is formal one and does not change the nature of suit. It is in the interest of justice that all the facts must be brought on record for complete and effective adjudication as well as to avoid multiplicity of proceeding.</p> <p>Therefore, the amendment petition dated 24/02/2023 is hereby allowed and plaintiffs are directed to amend the plaint within 14 days from today. However, the defendants are at liberty to file an additional written statement or amend their written statements to counter the aforesaid proposed amendment.</p> <p>Put up on 16/05/2023 for further proceeding.</p> <p style="text-align: center;">Dictated</p> <p style="text-align: center;">Munsif, Gogari</p>	
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