

**In the Court of Sub Judge I
Madhubani
T.S.239/2014 & C.I.S. No T.S.-1723/2014
Raj Lal Kamat & others v/s Surat Lal Kamat & others**

ORDER

27-08-2019 Today date is fixed for order. Attendance have been filed on behalf of plaintiff and defendant though their learned Advocates.

A amendment petition has been filed on behalf of Plaintiff under O 6 R17 C.P.C. on 09-08-2018 along with an affidavit.

Learned lawyer for the plaintiff submitted that due to inadvertence and mistake of typist certain facts was wrongly mentioned in the plaint and certain facts was not mentioned in the plaint which are required to be corrected. The learned counsel for Plaintiff further submitted that the amendment prayed is of general nature and the nature of the suit do not change. On this basis he prays that the petition dated 09.08.2018 be allowed.

Learned counsel for defendants filed a rejoinder dated 19.09.2018 in which he stated that the petition filed by the plaintiff is not maintainable and it is fit to be rejected.

Perused the case record, from perusal of the record , it transpires that this suit has been filed in the year 2014 and issues has been framed on dated 23.08.2016 and after that suit was dismissed for default on dated 13.12.2016 and on dated 15.01.2018 the present suit was restored to its original file though Mis. Case no 05.2017 . From perusal of the case record it transpired that no witnesses has been produced by plaintiff up till now. Therefore it is cleared that present suit is at

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(continued)

preliminary stage. The proposed amendment is general in nature and it is not at a very belated stage.

Therefore, in the interest of justice this amendment petition is allowed with the cost of Rs 500/- (five hundred rupees only) and learned lawyer for the plaintiff is directed to amend the plaint accordingly within stipulated time.

Case is fixed on 23.09.2019 for further proceedings.

(Typed & Corrected by me)

Rakesh Kumar Tiwari

Subjudge I
Madhubani