

**In the Court of Sub-Judge-I,
Madhubani
Title Suit No. 429 of 2015/C.I.S. No. 4291 of 2015
Pratibha Devi Vs. Durga Devi**

ORDER

06.08.2019 Today date is fixed for order. Attendance has been filed on behalf of the plaintiff and defendant through their learned counsel.

An amendment petition has been filed on behalf of the defendant under O 6 R 17 C.P.C. on dated 31.01.2019.

Learned counsel for the defendant submitted that due to typing and clerical error some error has been occurred in the written statement which is required to be corrected. The proposed amendment is formal in nature and does not change the nature of the suit. Learned counsel for the defendant further submitted that the error could not be detected in spite of due delegalence and it would come to the knowledge of the defendant at the time of preparation for cross examination. On this basis he prays that the petition dated 31.01.2019 be allowed.

Learned counsel for the plaintiff filed their rejoinder on dated 24.04.2019 in which he stated that the petition filed by the defendant is not maintainable and fit to be rejected.

Perused the case record, from perusal of the case record it transpires that the said suit was filed in the year 2015 and presently it is runnging for plaintiff evidence. From perusal of the case record it also transpires that in this case plaintiff produced two witnesses in which P.W. 1 Suresh Kumar Das is formal witness and P.W. 2 Gauri Shankar is also formal witness. Therefore, it is clear that the present suit is at preliminary stage and proposed amendment is general in nature and does not change the nature of the suit.

Therefore, in the interest of justice this amendment petition is allowed with a cost of Rs. 800/- (rupees eight hundred) and defendant is directed to amend the written statement within stipulated time.

Case is fixed on 06.09.2019 for plaintiff evidence.

Dictated

Rakesh Kumar Tiwari
Sub-Judge-I, Madhubani