

## **ORDERS ON MEMO**

The defendant No.5(c) has filed memo stating that he had filed an application to impale himself as the legal heir of defendant N 5. However, by a typographical error, it was stated that applicant has to be impleaded as defendant No8. The application was allowed by this court. Later, it was found that there is a typographical error. Therefore, the same has to be rectified and the plaintiff may be directed to implead the applicant as defendant No. 5(C).

2. The counsel for the plaintiff has filed objections stating that a third party applicant has been added as defendant No.8 by virtue of the order of the court. However, he is the legal heir of defendant No.5. Since, the court has passed an order to add defendant No.8, the amendment cannot be carried out as there are no defendant No 6 and 7 in the suit.

3. Heard both counsel for plaintiff and defendant.

4. Perused all materials available on record.

5. Initially, the 3<sup>rd</sup> party applicant had filed I.A.19 to come on record as supplemental defendant No.8. After hearing both parties, the application was allowed and the proposed defendant was permitted to come on record as

defendant No.8. In the order, there is an observation that the proposed defendant is the legal heir of defendant No.5. defendant No.5(a) and (b) were already brought on record. Since, the proposed defendant is another legal heir of defendant No.5, he is a necessary party and he has to come on record.

6. It appears that by way of a typographical error, the 3<sup>rd</sup> party applicant has sought to implead him as defendant No.8 instead of defendant No.5(c). As it is noticed that there was a typographical error, there will be no impediment to the court to make correction to the number of the proposed defendant as defendant No.5(c).

7. It is evident on record that there are only 5 defendants and the proposed defendant can not be named as defendant No.8. It is evident that stating the proposed defendant as defendant No.8 is just a typographical error and no prejudice will be caused to the plaintiff to correct the number of the proposed defendant as defendant No.5(c). Accordingly, memo dated 09/10/2023 is hereby allowed.

### **ORDER**

Number of the proposed defendant shall be corrected as defendant No.5(c).

The plaintiff is directed to amend the  
plaint in showing the proposed defendant as  
defendant No.5(c) and to file amended plaint.

For amendment of plaint.

Call on 27/06/2024.

Sd/-

**I Addl. C. J. & JMFC,  
Belagavi.**