

Order pronounced

ORDER ON IA. NO. VII

i.	Provision under which the application is filed.	<i>I.A. u/o. VI rule 17 r/w order XLI rule 3 and section 151 of the CPC.</i>
ii.	Relief sought for	<i>For amendment of cause title of appeal memo.</i>
iii.	The date on which the application is filed	<i>16.07.2022</i>
iv.	Number of the application	<i>IA. No. VII</i>
v.	The date on which the objections is filed by different opponents	<i>Not filed</i>
vi.	The date on which the orders were passed on the said application.	<i>23.02.2024</i>

The applicant/appellant No.3 has filed this IA u/o. VI rule 17 r/w order XLI rule 3 and section 151 of the CPC praying to permit to amend the word “Hukkeri” and took incorporate the word “Donade” in its

place pertaining to the surname of the respondent No.15F.

2. In the affidavit filed in support of this IA, the applicant has mainly stated that during the pendency of this appeal, the respondent No.15 died and her legal heirs are brought on record as respondents No.15A to 15F, but the surname of the respondent No.15F is typed as "Hukkeri" instead of "Danode" due to typing mistake and oversight and hence, only in the last week, he came to know about the said mistake when he approached his counsel and therefore, this IA is filed. It is further stated that the proposed amendment, in the cause tile of the appeal memo, being necessary, will not change the nature of the appeal and also the grounds raised in the appeal and there is also no delay in seeking amendment and therefore, no loss or hardship would be caused to other side if this IA is allowed. On these main grounds, the applicant has prayed for allowing this I.A.

3. Though this court afforded sufficient opportunities, the respondents have not filed objections to this IA and therefore, I heard and perused the case records.

4. Now, the only point that arises for discussion and determination is **“Whether this IA deserves to be allowed ?.**

5. My finding on the above point is in the Affirmative for the following:

REASONS

6. On perusal of the case records, it makes clear that the LRs of the deceased respondent No.15 have been impleaded as respondents No.15A to 15F after the death of respondent No.15 and the surname of the respondent No.15F is mentioned as “Hukkeri” in the cause title of the appeal. According to the applicant, the surname of the respondent No.15F is “Donade”, but not “Hukkeri”. However, the said surname “Hukkeri” is wrongly typed due to oversight. This reason is not at all refuted by the

respondents in any manner even by filing the objections to this IA.

7. Merely because, the surname is amended, it does not mean that the nature of the appeal or grounds raised therein or the contentions of the parties are changed. The amendment of surname of the respondent No.15F will not cause any loss or hardship or prejudice to the respondents. Therefore, in the interest of justice, I feel it just and proper to allow this IA and hence, it deserves to be allowed. Therefore, I answering the above point in the AFFIRMATIVE proceed to pass the following:

ORDER

i) The IA No.VII filed by the appellant u/o. VI rule 17 r/w order XLI rule 3 and section 151 of the CPC stands ALLOWED.

ii) Consequently, the appellant No.3 is permitted to amend the surname of the respondent No.15F

as “Donade” by deleting the surname “Hukkeri” in the cause title of the appeal memo. He shall amend the cause title of the appeal memo by next date of hearing and shall file the amended appeal memo on next date of hearing.

iii) No order as to cost. Call on 11.03.2024.

Dictated to the stenographer, transcribed and typed by him and then corrected and signed by me and pronounced in the Open Court on this the 23rd day of February 2024.)

(S. L. CHAVHAN)

**VII Addl. Dist. and Sessions Judge,
Belagavi, Sitting at Chikkodi.**