

ORDER ON IA 4 FILED UNDER ORDER 6
RULE 17 OF CPC

This application is filed by the plaintiff seeking amendment of the plaint for the reason that due to Typographical error and over site some mistakes have been crept and it is unintentionally. The amendment is necessary for correcting the mistake and if application is allowed no hardship will be caused on the other side. If it is not allowed it will cause great hardship and loss to the plaintiff hence sought to allow the application.

2. The defendants have opposed this application contending that the reason assigned are not acceptable and the application is filed only to drag the proceeding. If it is allowed it will cause loss to defendants and it will change the nature of case and cause of auction. It is further contended that on 21-04-2017 plaintiff has filed appeal in MA 09/2017 before Addl. District and Sessions Court Chitradurga for setting aside the order dated: 20-09-2016 wherein the IA no.1 was rejected by this Court. The facts sought in the appeal are adverse to this application and hence sought to dismiss the application.

3. Heard arguments from both sides the following point arise for my consideration:

1. Whether the IA 4 filed Under Order 6 Rule 17 of CPC deserves to be allowed?

4. My finding on the above point is in the affirmative for the following:

REASONS

5.Point no.1: The plaintiff filed this application seeking amendment of the plaint as “ to delete the amount of Rs.5,000-00 at Page no.2 in para no.2 of the plaint and line no.11 and inserting it by Rs.10,000-00 and similarly in Page no.2 at para no.3 in line no.8. The amendment sought is to delete the date 21-04-2015 and insert the date is 21-04-2014 and to delete the word sale agreement and insert sale deed. In this regard the plaint averments are to be considered. In plaint Page no.2 in para no.2 the line no.11 it is seen that the amendment sought to delete the word Rs.5,000-00 from that of Rs.10,000-00 is appears to be typographical mistake. Similarly in page 3 the same mistake is crept. With regard to page no.3 the date as 21-04-2015 is also appears to be typographical

mistake because the agreement of sale relied is dated 21-04-2014. With regard to page no.4 the word sale deed is also appears to be typographical mistake and other mistakes sought to be amended are all appears to be typographical mistake. In this case evidence is yet to be commenced and hence application is considerable. However with regard to that it will change the cause of action and nature of suit is not proper and therefore in my opinion the amendment sought can be permitted and as such **I answer the point in the affirmative.**

ORDER

The I.A 4 filed Under Order 6 rule 17 of CPC by plaintiff is hereby allowed.

Plaintiff is permitted to amend the plaint as sought in the application and shall furnish amended plaint by 20-10-2018

Senior Civil Judge & JMFC.,
Hiriyur.