

I.A.No.10 filed by the defendants U/O.6 Rule 17 R/W Sec. 151 of CPC requesting the Court to permit the defendants to amend the written statement as shown in schedule to the application.

Other side counsel for the plaintiffs is not filed any objection to above said application.

Heard.

Perused the records placed before the Court.

The following points arise for my consideration:

Point No.1 : Whether plaintiffs have made out sufficient grounds to allow an application seeking amendment to the pleadings ?

Point No.2 : What Order ?

My answer to the above points are as follows:

Point No.1 : In the affirmative,

Point No.2 : As per final order, for the following:

## **REASONS**

Point No.1 : It is stated in an affidavit filed in support of application that, due to typographical mistake date of partition deed is wrongly mentioned in the written statement page No.2 para No.6 as 1990 instead of 1999. Said mistaken entry in pleadings has to be rectified by way of necessary amendment.

Further, proposed amendment does not change nature of suit or cause of action. On consideration of reasons as mentioned in affidavit filed in support of application, if application is allowed no hardship would be caused to other side. Hence application deserves to be allowed. Hence I answer point No.1 in the **Affirmative**.

**Point No.2** : On above made discussion on point No.1, I proceed to pass the following:

### **ORDER**

I.A.No.1 filed by the defendant No.2 U/O.6 Rule 17 of CPC is hereby allowed.

No order as to cost.

The defendant No.2 is permitted to amend the pleadings in the written statement as prayed for in the schedule to the application.

The defendant No.2 is hereby directed to carry out amendment to the pleadings as sought for, and furnish amended written statement copy.

Sd/-  
Senior Civil Judge & JMFC  
Harihara.