

I.A.No.2 filed by the Plaintiffs U/O.6 Rule 17 R/W Sec. 151 of CPC requesting the Court to permit the plaintiffs to amend the plaint as shown in schedule to the application.

Advocate for the defendants submits that, no objection to the above said application.

Heard both side.

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 at the time of filing the suit, a error was kept in by mistake and in the body of the plaint, the husband name N.B.Manjunatha is properly shown in para 5 of the plaint and defendant No.3 is taken in adoption and a gift deed was made in favour of defendant No.3 as mentioned in the para No.4 of the plaint. Consequently there is

some rectification to be carried out in the plaint.

On consideration of amendment as sought for in schedule to the application, same does not change nature of suit or cause of action. 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.2 filed by the plaintiffs U/O.6 Rule 17 of CPC is hereby allowed.

No order as to cost.

The plaintiffs are permitted to amend the pleadings in the plaint as prayed for in the schedule to the application.

The plaintiffs are hereby directed to carry out amendment to the pleadings as sought for, and furnish amended plaint copy.

Call on

Sd/-
Senior Civil Judge & JMFC
Harihara.