

Heard on I.A. No.9 filed U/o. 6 Rule 17 of CPC by the defendant Nos.1 to 4.

The present I.A. has been filed for seeking permission to amend the written statement. The defendants want to substitute the word "plaintiff" in the place of the word "defendant" in last line of page 4 of para 12 in the written statement. It is contended that due to clerical and typographical error mistake occurred in the said paragraph. The word defendant was mentioned instead of plaintiff. Therefore, it is just and necessary to amend the written statement in that regard. The proposed amendment will not change nature of the suit. It is sought to permit the defendants to amend the written statement.

In reply, the plaintiffs did not choose to file objection to the application.

The suit is for partition of the suit properties. The trial is not yet begun. At this juncture of the suit, the defendants have approached under the present application seeking permission to amend the written statement. The proposed amendment is mainly regarding correction of word as they want to insert the word plaintiff in the place of the word defendant in the last line of para 12 of their written

statement. According to the defendants the said mistake occurred due to typographical error. In the absence of objection on the part of the plaintiff, the reasons shown by the defendants are acceptable. Moreover, proposed amendment will not change the nature of the suit. Considering the stage of the suit and the reasons assigned by the defendants, it would be lawful to permit the defendants to make correction as sought for. The delay and inconvenience caused to the plaintiff in this regard may be compensated by imposing costs. Therefore, the following;

ORDER

The I.A. No.9 filed U/o. 6 Rule 17 of CPC for the defendant Nos.1 to 4 is allowed on cost of Rs.200/-.

The defendant Nos.1 to 4 are permitted to make amendment to the written statement as prayed.

For amendment of the written statement and to file amended written statement.

By: 01.04.2021.

Prl. Sr. Civil Judge & CJM,
Dharwad.