

ORDER ON I.A. No.VI

That the top noted application is filed by the defendant No.2 and 12 to 15 U/o 6 Rule 7 R/w Sec.151 of C.P.C., wherein prayed to permit the said defendants to amend the written statement as stated in the application.

2. The proposed amendment is as under:

ಪೇಜ್ ನಂ. 3, 1 ನೇ ಸಾಲಿನಲ್ಲಿ 'ಇರುವದಿಲ್ಲ' ಅಂತಾ ಇರುವುದನ್ನು ಕಡಿಮೆಗೊಳಿಸಿ, "ಇರುತ್ತವೆ" ಅಂತಾ ಮತ್ತು ಸದರ ಪೇಜಿನ 5 ನೇ ಸಾಲಿನಲ್ಲಿ '693/1' ಅಂತಾ ಇರುವುದನ್ನು ಕಡಿಮೆಗೊಳಿಸಿ "692/1" ಅಂತಾ ಹಾಗೂ ಸದರ ಪೇಜಿನ 8 ನೇ ಸಾಲಿನಲ್ಲಿ 'ಕಟ್ಟಿಸಲು' ಅಂತಾ ಇರುವುದನ್ನು ಕಡಿಮೆಗೊಳಿಸಿ "ದುರಸ್ತಿ ಮಾಡಿಸಲು ವ" ಅಂತಾ ಹಾಗೂ ಅದೇ ಪೇಜಿನ 20 ನೇ ಸಾಲಿನಲ್ಲಿ 'ತೀರಿಸಿದ್ದು ಇರುವುದರಿಂದ' ಅಂತಾ ಕಡಿಮೆಗೊಳಿಸಿ, "ತೀರಿಸುವ ಜವಾಬ್ದಾರಿಯನ್ನು ತೆಗೆದುಕೊಂಡಿದ್ದರಿಂದ" ಅಂತಾ ಹಾಗೂ ಅದೇ ಪೇಜಿನ 21 ನೇ ಸಾಲಿನಲ್ಲಿ 'ಪ್ರತಿವಾದಿಯು ಖರೀದಿಗೆ ತೆಗೆದುಕೊಂಡ ಜಮೀನು' ಅಂತಾ ಇರುವುದನ್ನು ಕಡಿಮೆಗೊಳಿಸಿ "ಪ್ರತಿವಾದಿಗೆ ಬಿಟ್ಟುಕೊಟ್ಟಿದ್ದು" ಅಂತಾ ತಿದ್ದುಪಡಿ ಮಾಡಲು ಅನುಮತಿ ನೀಡಬೇಕಂತಾ ಪಾರ್ಥನೆ ಅದೆ ಅಂತಾ ಈ ಮೂಲಕ ಸಲ್ಲಿಸುವ ವಿನಂತಿಪೂರ್ವಕ ಅರ್ಜಿ.

3. In support of the application, the defendant No.2 has filed an affidavit, wherein assigned various reasons to allow the application.

4. On the other hand, the plaintiff filed objection to the application, wherein opposed

the application on various grounds.

5. Heard the respective counsels.

6. That the top noted suit is filed by the plaintiff seeking the relief of declaration to declare that Gift Deed dated:27.05.2014 executed by one deceased Basappa in favour of the defendant No.2 is null and void and not binding upon the share of the plaintiff and also claiming the partition of the suit schedule property.

7. After appearance of the defendants, the present applicants filed written statement and now filed instant application stating that due to oversight and due to typographical mistake the above said mistakes are kept in the written statement which are stated in the application.

8. On careful perusal of the said proposed amendment it appears that the said proposed amendment appears to be required to decide the fact in issue effectively and properly. Apart from that it appears that the said mistake kept due to typographical error. Any how now case is reserved for issues and trial is not yet commence. Under such circumstances if proposed amendment is allowed, absolutely no loss or hardship would be caused to other side. Otherwise, it would lead to multiplicity of the proceedings.

Hence, this Court inclined to allow the application and accordingly, proceed to pass the following,

ORDER

I.A. No.6 filed by the applicants / defendant No.2 and 12 to 15 U/o 6 Rule 7 R/w Sec.151 of C.P.C. is hereby allowed.

Consequently, permitted the defendants to amend the written statement as prayed.

Call on for amendment of the written statement, by:27.11.2021.

Prl. Sr.Civil Judge & JMFC,
Hubballi.