

KADW400005822022



Presented on : 15-03-2022
Registered on : 15-03-2022
Decided on : --
Duration :

**IN THE COURT OF
CIVIL JUDGE AND JMFC KUNDGOL AT
Kundgol,DHARWAD
Presided Over by Sri. P.J. Parameshwara**

O.S./27/2022

ORDER ON IA No.3

Applicant/ defendant filed this application U/O.6 R.16 and 17 R/w Sec.151 of CPC for amendment of written statement contending that there is bonafide mistake in mentioning description of suit schedule property and it is very necessary to amend the same. Therefore, the defendant prayed to permit him to amend the written statement.

This application is resisted by plaintiff by filing objection inter-alia contended that, the application is not maintainable as proposed amendment would change nature of suit. The application is filed to over come admission given in the written statement and to drag the proceedings.

The present suit is filed by the plaintiff for the relief of permanent injunction. The evidence of parties is not yet commenced. The defendant in his affidavit filed in support of application has sworn that there is a bonafide mistake in mentioning description of the suit properties and it is necessary amendment. The proposed amendment is classificatory in nature and it will not change either nature of suit and cause of action. Therefore, having regard to fact and circumstance of the case the court is of considered opinion that, it is fit case to permit the defendant to carry out amendment. Hence, IA. No.3 is allowed on cost of Rs.200/-.

The defendant is permitted to carry out as prayed in IA within 14 days.

Sd/-

C/c Civil Judge & JMFC
Kundgol.