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KAKL200012282018



**IN THE COURT OF THE I ADDL., CIVIL JUDGE AND JMFC  
AT BANGARPET**

PRESENT:

**SMT. SUKEETA S. HADLI,**

B.B.A.,LL.B.,(Hons)

I ADDL., CIVIL JUDGE & JMFC., BANGARPET.

**O.S.NO.174/2018**

**DATED THIS 5<sup>th</sup> DAY OF DECEMBER 2024**

PLAINTIFF/S : **Rathnamma.,**

(Rep. by Sri.**M.P.R.**, Advocate)

**-V/S-**

DEFENDANT/S: **Ramoji Rao.,**

(Rep. by Sri.**N.N.**, Advocate)

**PARTIES TO I.A.NO.X**

Applicant/  
Defendant:

**Ramoji Rao.,**

**-V/S-**

Opponent/  
Plaintiff :

**Rathnamma.,**

**O R D E R**

The defendant has filed the application seeking an order of this Court to amend the written statement, in the interest of justice and equity.

**PROPOSED AMENDMENT:**

To delete the word the “plaintiff in 7<sup>th</sup> line, 11<sup>th</sup> line and 17<sup>th</sup> line in 1<sup>st</sup> para of page 4 of the written statement and insert in its place the “defendant”.

**2.** In the affidavit accompanying the application it is stated that, the plaintiff has filed the present suit seeking the relief of permanent injunction. It is stated that due to oversight and inadvertence the word ‘plaintiff’ has been typed in place of ‘defendant’ in page No.4, para No.1, line 7, 11 and 17 of the written statement. The said error is not intentional. The proposed amendment is just and necessary for proper adjudication of the matter in dispute. If the application is allowed, the plaintiff will not be put to any hardship. Therefore, the defendant prays to allow the application.

**3.** The plaintiff has filed the objections to the application in hand. In the objections it is stated that the application is neither maintainable in law or on facts. It is stated that the contents of the affidavit are all false. It is contended that the defendant has filed his detailed written

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statement and counterclaim. The plaintiff has filed rejoinder to the counter claim. The plaintiff got examined as P.W.1 and was fully cross examined by the counsel for the defendant. When the case was posted for defendant evidence the application in hand came to be filed. The application came to be filed after lapse of four years. The defendant is seeking amendment of written statement without producing the documents. The defendant has not assigned any cogent ground for allowing the application after commencement of trial. On all these grounds the plaintiff prays to reject the application.

**4.** I have heard the counsels for plaintiff and defendant on I.A No.X and perused the material available on record.

**5.** The following points arise for determination:-

1. Whether the proposed amendment is necessary to determine the real question in controversy ?
2. What order?

**6.** After hearing the arguments and on considering the relevant materials on record, my findings on the above points

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are hereunder:-

Point No.1 : In the **Affirmative.**

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

### **REASONS**

**7. Point No.1:-** The plaintiff has filed the suit seeking the relief of permanent injunction with respect to suit schedule property. The present application came to be filed when the case was posted for defendant evidence.

**8.** The suit is filed in the year 2018. The defendant has filed his written statement and amended written statement on 16.11.2018. This Court has framed issues on 4.04.2019. The plaintiff has adduced his evidence. It is when the case was posted for defendant evidence the application in hand came to be filed.

**9.** The application for amendment of the written statement filed by the defendant seeks to rectify a purely clerical mistake that has inadvertently crept in during the drafting process. The proposed amendment does not alter the

fundamental nature of the suit, nor does it change the defense or the facts already pleaded by the defendant. It is merely a correction of an unintentional error that occurred while preparing the written statement. The mistake was not of substance, but rather one of form and its rectification will not cause any prejudice to the plaintiff. The clerical mistakes or typographical errors in the pleadings can be rectified without any substantial impact on the merits of the case.

**10.** It is pertinent to note that though there is delay on the part of the defendant to move this application but even as per the precedential guidance of the Supreme Court, an amendment can be permitted, if it is intended to determine the real question in controversy and that all amendments which are necessary for the purpose of determining real questions of controversy between the parties, shall be allowed, if such amendments sought for do not change the basic nature of the suit.

**11.** The plaintiff will not be put to any hardship, since she will have opportunity to file Additional pleading, if needed

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and also cross-examine the defendant to that effect. However the time and effort of the plaintiff consumed during this process can be compensated by imposing cost. Hence considering foregoing, the application filed by the defendant is to be allowed. Hence, in the light of above discussion the application deserves to be accepted. ***Hence, I answer point No.1 in the Affirmative.***

**12. Point No.2:-** In view of the discussion made above, I proceed to pass the following:-

### **ORDER**

I.A.No.X filed by the defendant under Order 6 Rule 17 R/W. Section 151 of CPC is hereby allowed on cost of Rs.200/-.

The defendant is to carry out the amendment and furnish the amended written statement by next date of hearing.

No order as to costs.

*(Dictated to the **Stenographer**, typed by her on computer and corrected by me, then pronounced in the open Court on this day **5<sup>th</sup> December 2024.**)*

**Sd/-**  
**I Addl., Civil Judge and J.M.F.C.,**  
**Bangarpet.**