

ORDERS ON IA No. 8

The present application is filed by the plaintiff U/o 6 rule 17 R/w Sec. 151 of C.P.C seeking amend the plaint.

2. In support of the same, affidavit is filed wherein the plaintiff has sworn to fact that due to some typical error some of the para in the plaint were wrongly mentioned. The said mistake is only bonafide and not intentional. The proposed amendment is not change the nature of suit. Hence this application.

3. Per contra despite the sufficient opportunities, the defendants have not filed any objection to the said application.

4. Heard on both sides and perused the materials on record.

5. The present suit is for the relief of partition and separate possession. On perusal of the entire records it appears that the above case is set down for cross of PW-1, at this juncture the plaintiff has come up with this application. The proposed amendment is with regard to details of family members and extent of shares. Hence it is necessary to permit the plaintiff to amend his plaint. Admittedly no one party is permitted to carry out the pleadings after commencement of trial. However the amendment is not change the nature of suit and not prejudice the rights of the other party. Even after commencement of trial the parties can amend their pleadings. As aforesaid the

proposed amendment is not change the nature of suit. Hence in view of the discussion, this court proceeds to pass the following :

ORDER

IA No. 8 filed by the plaintiff U/o 6 rule 17 R/w Sec. 151 of C.P.C is hereby allowed.

The plaintiff is permitted to carry out the necessary amendment in the plaint.

For amended plaint.

Call on

(DEEPU B.C.)
Addl. C.J. and JMFC, Bangarpet.