

### **Orders on I.A.No.23**

This is an application filed by the applicant / Defendant No.4 U/o 6 rule 17 R/w Section 151 of C.P.C., praying the court to permit him to amend the written statement as shown in the IA, for the reasons stated in the affidavit annexed to I.A.,

**2.** On the other hand, the plaintiff has filed objections contending that the IA is not maintainable either on law or on facts and praying the court to dismiss the IA with cost, for the reasons stated in the objection statement.

**3.** Heard both sides and perused the papers.

**4.** On going through the proposed amendment it appears that, the applicant is intending to correct the name of the village in respect of Sy.No.176 and the said mistake crept in the written statement despite due diligence.

**5.** In the objections it is stated that, through this proposed amendment, the Defendant No.4 is trying to withdraw the admissions made in the written statement.

If the same is allowed, it will change the nature of defence and no grounds are made out to allow the IA.

6. On going through the pleadings on record, the proposed amendment is just and necessary to decide the real controversy between the parties at once and the same would definitely help the parties, so also the court for fair and complete adjudication of controversy between the parties. More so, it appears that, the proposed amendment is only a formal in nature.

7. No doubt, it is true that, there is an inordinate delay in filing the present application. However, the same is not a sole ground to reject the IA. The factum of delay can be met with by imposing necessary cost. Accordingly, I proceed to pass the following,

**ORDER**

I.A.No.23 is hereby  
allowed on cost of Rs.250/-.

[ Typed to my dictation ]

Sd/-

Judge, Prl., Small Causes Court, Mysuru.