

ORDER ON IA NO. VIII

01. The applicants/plaintiffs filed IA No.VIII under Order VI, Rule 17 read with section 151 of CPC seeking for amendment in the plaint pertaining to the replacement of the word 'Alanahalli' in the place of 'Shindenahalli Village' wrongly mentioned in the plaint which is purely a typographical error and inadvertence.

02. Perused the plaint, written statement and also the proposed amendment. The proposed amendment will not change the nature of suit or defence and also will not change the cause of action. It is sought only for the correction of typographical error crept in the name of the village of item no. 4 of the suit property as 'Alanahalli' instead of 'Shindenahalli Village' in the plaint. It is well-settled legal principles that, courts must be liberal in allowing the application for amendment of pleadings. This proposition finds support from the ratio laid down by **Supreme Court in 2007 SAR (Civil) 837 (Narain Prasad Aggarwal (D) by LR. V/s. State of MP.)**

“(D) Pleadings – Ordinarily, Mofussil pleadings are not to be strictly construed-Pleadings must be construed as a whole”

04. Hence I am of the opinion that IA No. V can be allowed. Hence I proceed to pass the following;

ORDER

IA No.VIII filed by the applicants/plaintiffs under Order VI, Rule 17 read with section 151 of CPC seeking for amendment in the in the plaint is allowed on cost of Rs.100/-.

The plaintiffs are permitted to amend the plaint as sought in IA No.VIII.

For Amended plaint and P/E

Put up on : 10.01.2023

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the day of 03rd day of January 2023)

(NATARAJ YADAV.S)
Senior Civil Judge & JMFC
H.D.Kote