

Dt: 07.02.2023

Orders on IA No.24

Learned counsel for the Plaintiff filed I.A. No.24 Under Order 6 Rule 17 of C.P.C., seeking permission to amend the cause title as stated in the application.

Learned AGP and Sri.BKK Advocate submits no objection to IA No.24 and Sri.LVR Advocate for Sri.JM Advocate submits IA No. 24 may be allowed.

Heard and perused.

This is a suit for Declaration that, the Plaintiffs are the absolute owners of the suit schedule property and they have succeeds to the estate of deceased Ahmed Jaan and hence, Sale Deeds dated 05.08.1944 is perfect and valid and Sale Deeds dated 07.03.1976, 02.03.2017 and 16.11.2016 is not valid and not enforceable in law. Now by filing this application plaintiffs intended to amend the name Defendant No.13 as follows:

The word 13th Defendant's name Devaraj may be deleted and replace the same by adding 'Devilal Chawat @ Bhojaraj Chawat' in the said place.

On perusal of plaint it appears that, while typing the word Devilal Chawat @ Bhojaraj Chawat being typed as Devaraj due to the typographical mistake. Now by filing this application, the plaintiffs intended to delete 13th Defendant by name Devaraj replace the same by adding 'Devilal Chawat @ Bhojaraj Chawat'. The proposed amendment is not objected by Defendant No.13 or any of the Defendants and the amendment sought by the Plaintiffs will not affect the rights of the defendants and it will not change the nature of suit. The evidence of the parties is not yet begun. The proposed amendment appears to be necessary for just and complete adjudication of the dispute as the correct identification of the Defendant No.13 is required. If this application is allowed no injustice or inconvenient would be caused to the defendants. Hence, it is necessary to allow the application. Accordingly, I.A. No.24 filed Under Order 6 Rule 17 of C.P.C., is allowed.

For carrying out amendment and to furnish amended plaint by 20.03.2023.

Sr CJ and JMFC.,
K.R.Nagar.