

ORDERS ON IA NO.14 FILED BY THE DEFENDANTS NO.1(A)
TO (C) U/O 6 RULE 17 R/W SECTION 151 OF CPC

1. The plaintiff has filed the present suit for the relief of declaration of title and for perpetual injunction as against the defendants.

2. When the case was at the stage of further cross-examination of Dw.1, the defendants No.1(a) to (c) have filed the instant application praying this court to allow them to carry out the amendment in the written statement so as to rectify the typographical error occurred at relief No.1 of the counter claim made by the defendant No.1.

3. In the affidavit annexed to the application it is averred that the plaintiff has filed the present suit for the relief of declaration of title and for perpetual injunction as against the defendants. It is averred that due to the typographical error at relief No.1 of the counter claim made by the defendant No.1 it was wrongly stated to declare the plaintiff as a owner of the written statement schedule property instead of stating it to declare the defendant No.1 as a owner of the written statement schedule property. It is averred that the said mistake is un-intentional and the same has occurred in the written statement only due to typographical error. It is averred that the proposed amendment is very much necessary to resolve the real dispute involved between the parties. The proposed amendment will not take away the defence of the defendants. If the application is allowed no hardship will be caused to the plaintiff and the proposed amendment will also not change the nature of the suit. If the proposed amendment is not

allowed, then it will lead to the multiplicity of proceedings. Hence on the above grounds the defendant No.1(a) to (c) have prayed to allow the application.

4. The application was objected by the plaintiff by filing her objections by contending that the application filed by the defendants No.1(a) to (c) is not maintainable under the law. The reasons assigned in the accompanying affidavit is not just and proper. The plaintiff has contended that the defendants No.1(a) to (c) are not diligent in prosecuting this suit. It is only after the commencement of the trial the defendants No.1(a) to (c) have filed the present application at this belated stage with an intention to further drag on the matter. The proposed amendment sought by the defendants No.1(a) to (c) in the instant application is not proper. The plaintiff has contended that if the proposed amendment is allowed then the nature of the suit will be changed. With these objections the plaintiff has sought for dismissal of the application.

5. Heard arguments from both the side. Perused the records. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

Point No.1: Whether the defendants No.1(a) to (c) have made out valid grounds to allow the application?

Point No.2: What order?

6. My answers to the above points are as hereunder:

Point No.1 : In the Affirmative.

Point No.2 : As per the final orders

for the following:

REASONS

7. POINT NO.1: Plaintiff has filed the present suit for the relief of declaration of title and for perpetual injunction as against the defendants. Since at relief No.1 of the counter claim made by the defendant No.1 it was wrongly stated to declare the plaintiff as a owner of the written statement schedule property instead of stating it to declare the defendant No.1 as a owner of the written statement schedule property, the defendants No.1(a) to (c) have filed the instant application praying this court to allow them to carry out the amendment in the written statement so as to rectify the said mistake.

8. I have gone through the para No.6 of the written statement of the defendant No.1, wherein the defendant No.1 has categorically stated that he is a absolute owner of the written statement schedule property. No where in his written statement the defendant No.1 has stated that the plaintiff is a owner of the written statement schedule property. Hence, from the same it becomes clear that it is only due to the typographical error at relief No.1 of the counter claim made by the defendant No.1 it was wrongly stated to declare the plaintiff as a owner of the written statement schedule property instead of stating it to declare the defendant No.1 as a owner of the written statement schedule property.

9. No doubt some delay is occurred in filing the instant application, but that itself cannot be a ground to reject the application. However, the delay caused by the defendants No.1(a)

to (c) can be adequately compensated by imposing costs. This court being the trial court, full opportunity has to be given to the defendants to properly put forth his defence. The proposed amendment will not change the nature of the suit. Furthermore, the plaintiff will also get the opportunity to cross examine the defendants No.1(a) to (c) on the proposed amendment. Hence, no prejudice will be caused to the plaintiff if the application is allowed. Hence, in view of the above there is no impediment to allow the instant application. Therefore, in order to avoid multiplicity of proceedings and also in order meet the ends of justice, the present application deserves to be allowed. The delay caused by the defendants No.1(a) to (c) in filing the instant application has to be compensated by imposing costs.

Accordingly point No.1 is answered in the Affirmative.

10. POINT NO.2: In view of my foregoing findings and discussions on Point No.1, I proceed to pass the following:

ORDER

IA No.14 filed by the defendants No.1(a) to (c) U/o 6 rule 17 R/w Section 151 of CPC is hereby allowed on costs of Rs.300/-.

Defendants No.1(a) to (c) are permitted to carry out the necessary amendment in the written statement as sought for in the I.A.No.14.

To carry out the amendment and to furnish the amended written statement.

Call on: 12/06/2026.

I ACJ & JMFC, K.R.NAGAR