

**ORDERS ON IA NO.5 FILED BY THE DEFENDANT U/O 6 RULE  
17 R/W SECTION 151 OF CPC**

**1.** The plaintiff has filed the present suit for the recovery of money as against the defendant.

**2.** When the case was at the stage of cross-examination of Pw.2, the defendant has filed the instant application praying this court to allow him to carry out the amendment in the written statement so as to correct the typographical error occurred in the written statement while mentioning the date of loan transaction between the defendant and one Mr.Darshan D.S.

**3.** In the affidavit annexed to the application it is averred that the plaintiff has filed the present suit for the recovery of money as against the defendant. It is averred that due to the typographical error, instead of mentioning that the plaintiff has obtained the loan from Mr.Darshan D.S on 03/08/2021, the date was wrongly mentioned as 21/07/2021 at para No.5 of the written statement. 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 has prayed to allow the application.

4. The application was objected by the plaintiff by filing his objections by contending that the application filed by the defendant is not maintainable under the law. The reasons assigned in the accompanying affidavit is not just and proper. The plaintiff has contended that the defendant is not diligent in prosecuting this suit. It is only after the commencement of the trial the defendant has filed the present application at this belated stage with an intention to further drag on the matter. The proposed amendment sought by the defendant 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 defendant has 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:** The plaintiff has filed the present suit for the

recovery of money as against the defendant. At para No.5 of the written statement instead of mentioning that the defendant had obtained the loan from Mr.Darshan D.S on 03/08/2021, the date was wrongly mentioned as 21/07/2021. Therefore, by way of amendment the defendant is intending to rectify the said typographical error occurred at para No.5 of the written statement.

**8.** 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 defendant can be adequately compensated by imposing costs. Further, this court being the trial court, full opportunity has to be given to the defendant to properly present her defence. The proposed amendment is very much necessary for effective adjudication of matter in dispute involved between the parties to this suit. The proposed amendment will not change the nature of the suit. Furthermore, the plaintiff will also get the opportunity to cross examine the defendant 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 defendant in filing the instant application has to be compensated by imposing costs. **Accordingly point No.1 is answered in the Affirmative.**

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

**ORDER**

IA No.5 filed by the defendant U/o 6 rule 17 R/w Section 151 of CPC is hereby allowed on costs of Rs.300/-.

Defendant is permitted to carry out the necessary amendment in the written statement as sought for in the I.A.No.5.

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

Call on: 17/07/2025.

**ADDL. C.J & JMFC,  
K.R.NAGAR**