

O.S.11/2019

ORDER ON I.A.VII

The plaintiff filed the application under Order VI Rule 17 r/w Section 151 of C.P.C. to amend the plaint, to add the sentence “In the schedule item No.2, 4, 5, 6 to incorporate the Hagenavalu village and delete the Amble village.” In the affidavit it is mentioned that the suit is filed for partition and separate possession. But at the time of filing of the suit due to typographical mistake village name of schedule property has been mentioned as Amble Village instead of Hagenavalu Village of Nanjangud Taluk. The said mistake is not deliberate one. Hence, prayed to grant permission to amend the plaint.

2. In spite of time given to the defendants objections is not filed by the appeared defendants.

3. Heard the plaintiff's side. The evidence of the plaintiff's side is yet to be done. The amendment can be permitted to cure the defects if it is appeared after perusal. Here in this suit the plaintiff says that due to oversight the name of the village of the schedule properties wrongly mentioned as Amble Village instead of Hagenavalu Village. The said application is not allowed it will cause hardship to the plaintiff. Hence, the following:

ORDER

I.A.VII filed under Order VI Rule 17 r/w
Section 151 C.P.C. is allowed. The plaintiff is
permitted to carry out amendment.

To file amended plaint call on 02.08.2024.

Senior C.J. & JMFC.,
Nanjangud.

10.07.2024