

ORDERS ON I.A.No.8

The plaintiff has filed I.A.No.8 under Order 6 Rule 17 of C.P.C seeking to incorporate the proposed amendment.

In the affidavit accompanying the said application sworn in by the plaintiff it is submitted that, certain typographical error has been accord which requires to be rectified as one K.M.Vrushabendraswamy and K.B.Mallanna have jointly sold out the suit schedule property in favour of Muddaiah as per the registered sale deed dated 22.08.1988. It is submitted that, the said error is unintentional and the same would not change the nature and scope of the suit. Hence, prayed to allow the application.

On the other hand, inspite of granting sufficient opportunities the defendants have not chosen to file objection to the said application and as such objection to said application was taken as not filed on 09.06.2022. Thereafter, on 18.06.2022 the counsel for defendants submitted no objection to allow the said application.

I have perused the records of the case on hand carefully and meticulously. Admittedly, the proposed amendment does not change the nature or scope of the suit. The said proposed amendment is only typographical error which requires to be allowed. Moreover, the parties to the suit or at liberty to alter or amend their pleadings at any stage of the proceedings before passing judgement. However, the same shall be for the purpose of ascertaining the real dispute in controversy between the parties to the suit. If the said application is filed after commencement of trial the parties seeking amendment shall show due diligence for preferring the application. The plaintiff only intends to amend the plaint due to typographical error. Moreover, the said application is uncontested and it would not change the nature of the suit. As such, I am of the considered view and opinion to allow the present application, which is necessary for the adjudication of the real dispute in controversy between the parties to the suit. Accordingly, I proceed to pass the following ;

ORDER

The I.A.No.8 filed by the plaintiff under Order 6 Rule 17 of C.P.C is hereby allowed.

**Civil Judge & JMFC.,
T. Narasipura.**

The plaintiff is hereby directed to carry out necessary amendment and to file amended plaint by : 22.09.2022.

**Civil Judge & JMFC.,
T. Narasipura.**