The plaintiffs have filed the application under Order VI Rule 17 of C.P.C. praying this court to carryout the proposed amendment in the plaint in the said suit and grant such other and further reliefs as circumstances may required.

The particulars of Amendment to be carried out is: In relief portion, relief No. b- after Registered Doc. No. -delete- MLK-1-03702-2012-13 entered in CD. NO. MLKD98 dated 10-01-2013 -instead of add- MLK-1-04764-2019-20 dated 13-03-2020.

2. The said application is supported by the affidavit wherein it is submitted that he is the plaintiff No.2 in the said suit and fully acquainted with the facts of the said case and further he submits that there is a challenge to the release deed, but document number mentioned the relief pertaining to sale deed which is not in dispute and the application need to be allowed since it is the mistake committed is not intentional one nor deliberate or if allowed the said application the nature of the suit will not change and it will not change the cause of action and if application is not allowed then irreparable injury and hardship will be caused to the parties. Therefore prays to grant the said relief.

3. Objections came to be filed, wherein it is submitted that the said application is highly belated and there are no good grounds for delay in filing the same and the facts stated in the affidavit are not maintainable. Therefore prays to dismiss the application.

4. It is very much pertinent to mention here that the defendant No.1 to 4 have not filed any objections to the said application.

5. Heard from both sides. It can be seen from the plaint that in 'b' portion of the relief of the plaint it is written as Consequential relief of declaratory decree declaring that the alleged release deed registered in respect of item No.1 and 2 of the plaint 'B' schedule property as per registered Doc. No. written as MLK-1-03702-2012-13 entered in CD. NO. MLKD98 dated 10-01-2013 instead of that it is rectified to add MLK-1-04764-2019-20 dated 13-03-2020. The said proposed amendment is only a typographical error and it does not change the nature of the suit nor it effects the cause of action. So therefore, the objections stated by the defendants does not come in way on permitting the plaintiffs to amend their plaint to avoid multiplicity of litigation and error in the pleadings. So therefore, in the ends of justice, this court proceeds to pass the following:

ORDER

The application filed under Order VI Rule 17 of C.P.C. is hereby allowed.

The plaintiffs stands permitted to carryout the said amendment in the

presence of Sheristadar and furnish fresh amended plaint within next date of hearing.

Call for carrying out amendment by 27.06.2025.

(Santhosh Srivastava)
Addl. Senior Civil Judge and A.C.J.M.,
Udupi.