

ORDER BELOW EXHIBIT-41 IN R.C.S.No. 15/2015

Present application is filed by the original defendants under Order-VI Rule 17 of CPC to amend the counter claim (Exh.22). They want to correct the date mentioned in counter claim.

2. It is asserted that due to a typographical mistake, date of cause of action is mentioned as 06.02.2014 instead of 06.02.2015. Present application is filed to correct the said date.

3. Plaintiff has filed his say and objected the application. According to him, no cause of action arose. Present application is filed to delay the trial of the suit. Application is not tenable. He has, therefore, prayed for rejecting the application.

4. Perused the record & proceeding. Heard the learned advocates representing the plaintiff and the defendants. Only point which arise for consideration is whether the defendants have made out a case to allow the application ?

5. It is the case of the defendants that a typographical mistake was committed while mentioning the date of cause of action. In para No.9 at page 7 of counter claim (Exh.22) date of cause of action is mentioned at two places. In the beginning of para No.9, it is mentioned as 06.02.2014 and in the end it is mentioned as 06.02.2015. Thus, the defendants/counter claimants have not made out a totally new case. Possibility of a bonafide mistake cannot be ruled out. Suit is at initial stage. It will not change the

nature of the suit. Thus, the application is not without merit. Hence, the application is allowed. Defendants / counter claimants are permitted to amend the counter claim, as prayed for. Defendants / counter claimants shall carryout the amendment forthwith.

Sd/-.
(S.K. Khan)
Civil Judge (J. D.),
Sillod.

Date : 16.09.2015.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word as per original Judgment.

Name of Stenographer	:	Sachin V. Kondekar
Court Name	:	S.K.Khan, Jt.C.J.J.D.& J.M.F.C. Sillod Dist. Aurangabad.
Date	:	16.09.2015
Judgment signed by the presiding officer on	:	16.09.2015
Judgment uploaded on	:	16.09.2015