

MHCO120000762012



IN THE COURT OF JUDGE, CO-OPERATIVE COURT
NO.I, PUNE.
(PRESIDED OVER BY Smt. A.V. JADHAV)

Dispute No. 07 of 2012

**Shri. Chatrapati Sahakari Sakhar
Karkhana Ltd.**

... Disputant

Versus

M/s Sanjay Trading Company.

... Opponent

ORDER BELOW EXH. 245
(Passed on 31/01/2026)

1. The disputant has filed the present application for amendment under Order 6 Rule 17 of the Code of Civil Procedure 1908 (In short 'CPC').
2. Disputant submitted that a typographical error has inadvertently occurred in the plaint, wherein the date of the tender mentioned in para no. 6 of the plaint has been mistakenly typed as 23/12/2010 instead of the correct date, which is 16/12/2010.

3. It is stated by disputant that the error was unintentional and is a mere typographical oversight, as several similar suits were being prepared and filed simultaneously by the disputant's counsel and typist. Due to this volume, the typist inadvertently inserted the wrong date in the plaint.

4. The error came to the disputant attention's only during the preparation for final arguments. Upon realizing this inadvertent error, the disputant has acted promptly and diligently by filing this application for amendment at the earliest possible opportunity.

5. The date 16/12/2010 is correctly mentioned in the disputant affidavit of evidence and also the copy of tender has been filed along with the document, which has been exhibited, which clearly indicates that the intended date of the tender was indeed 16/12/2010 and not 23/12/2010. Furthermore, the opponent, during cross-examination, has not raised any objection concerning this typographical error, thereby indicating that this date discrepancy has no bearing on the substance of the case.

6. If this typographical error is not corrected, it may result in irreparable harm and injustice to the disputant,

as the incorrect date may create confusion and misinterpretation in the matter under adjudication.

7. Though this application is filed at the stage of final argument, the Hon'ble Court has ample powers to permit amendment to correct typographical errors in the interest of justice, especially when the evidentiary record substantiates the correct date and there is no indication of intentional or misleading actions by the disputant. Hence, disputant requested to allow the disputant to amend the date of the tender in the plaint para no. 6 from 23/12/2010 to 16/12/2010 in line with the correct facts as evidenced in the affidavit of evidence.

8. Opponent failed to file say to the application and therefore application proceeded without say of the opponent.

9. Heard Ld. Adv. Smt. Ashwini Hasabnis for disputant. Opponent remained absent for argument.

REASONS

10. The disputant karkhana has moved the present application seeking amendment in the pleading on the ground of typographical error. It is contended that the typographical error is unintentional and has occurred due to inadvertence. It is submitted that the said

amendment does not change the nature and character of the dispute

11. It is evident that the proposed amendment is confined only to the correction of a typographical mistake and does not affect the rights of the opposite party. Such correction is essential to avoid ambiguity and to reflect the true intention of the disputant. No prejudice would be caused to the opponent, if the amendment is allowed.

12. In view of the above and in the interest of the justice, the application deserves to be allowed.

ORDER

1. The application for amendment is allowed.
2. The disputant is permitted to carry out the proposed amendment correcting the typographical mistake in the pleading.
3. The amendment shall be carried out within 14 days from today.
4. No order as to cost.

Date: 31/01/2026
Place: Pune

(Smt. A. V. Jadhav)
Judge,
Co-operative Court No. I, Pune.