

**ORDER BELOW EXH- 51.**

Plaintiffs have filed this application for amendment of plaint U/Order 6, Rule 17 of C.PCode.

2. It is contention of Plaintiffs that, due to typographical mistake they have mentioned wrong area of suit property as a 689 sq.me. Instead of 616 sq.me. They submitted that, the proposed amendment not changed the nature of proceeding. Thus, prayed to allow to carry out necessary amendment in plaint and application filed at Exh. 5.

3. The defendant filed his say backside of application and strongly opposed. The plaintiff can not withdrawn his admission by amendment. Plaintiffs have not filed documentary evidence to support their contention. Exh. 5 of plaintiffs already rejected. If plaintiff permitted to amend his plaint, it will change the nature of proceeding. Their is difference between area mentioned in suit property. No proposed amendment is justifiable for final decision of suit. Hence, prayed to reject the application.

4. On verifying record and prayer of plaintiff it shows that, application filed at Exh. 5 is already rejected by this court on 11.10.2023. Further, it is contention of defendant that, plaintiffs by this amendment withdraw their admission. Considering above argument and on verifying record it reveal that, now suit is for plaintiff's evidence. They have not filed affidavit of witness on record.

5. Considering the above fact, plaintiffs by this application merely changing the area of suit property. They further sought reason of

typographical mistake for wrongly mentioned in suit area. Further, application at Exh. 5 is already decided. Hence, the prayer of plaintiffs to that extent is not admissible.

6. Plaintiffs prayed to grant permission to carried out amendment to the extent of area of suit property. This suit is not yet finally concluded. Merely, application at Exh. 5 is rejected is not sole ground to deny right of plaintiffs to put for his proper case. If after full trial suit is decreed, then due to technical reason of suit property area decree would not executed. If this application allowed, no prejudice caused to the defendant. Further, if it rejected it will create hurdle in future for execution. Valuable property rights of both parties involved in it. Thus, to avoid multiplicity of litigation this amendment just and proper. Thus, in result of above discussion I pass following order,

**ORDER**

1. Application is partly allowed.
2. Plaintiffs are permitted to carried out necessary amendment in plaint only as prayed within 14 days and filed copy of amended plaint on record.
3. Plaintiffs to take note and comply order accordingly.

Place- Ajara.  
Date- 02.08.2024.

( R. P. Thore)  
J.O.Code No.MH02897  
Civil Judge, Junior Division,  
Ajara.