

Order below Exh.08 in Civil M.A. No. 1030/2024
(Haji Sikandar Vs. Nobody)

The present application is filed by the applicant for amendment of plaint as per provisions Order VI Rule 17 of the Code of Civil Procedure, 1908.

2) The applicant vide this application contends that present application is filed by the applicant under provisions of Bombay Regulation Act. The applicant contends that, name of Nasimabi i.e. wife of deceased due to to typographical mistake it is typed as Nasim amendment is formal in nature. Hence, he prayed that, application may be allowed.

3) Heard the Ld. Advocate for the applicant.

4) From the consideration of the facts and contents of the application following points arises for my determination to which I, have recorded my findings for reason stated below.

S.N.	Points for determination	Findings
1.	Whether proposed amendment is necessary to determine real controversy between the parties ?	Yes.
2.	What order ?	Application is allowed.

REASONS

AS TO POINT NO.1 & 2:-

5) Perused the application & record of the case. The applicant claims to be legal heirs of deceased Sikandar Kasib Patel. Due to typing mistake name of Nasimabi i.e. wife of deceased due to to typographical mistake it is typed as Nasim.

6) It is well settled that the Court has to be liberal in permitting amendment unless a serious injustice or irreparable loss is cause to other side. If the nature of the application is not likely to be changed as a result of the amendment it should normally be permitted. Thus, the proposed amendment will not by itself change the nature of application. In these circumstances application needs to be allowed. Hence, the following order :-

ORDER

Application Exh. 08 is allowed. No order as to Costs.

Udgir.
Dt.:14/02/2025

(K. A. Powar)
2nd Jt. Civil Judge J.D., Udgir.

Order below Exh.09 in Civil M.A. No. 1030/2024

Affidavit in support amendment application is seen and filed.

Udgir.
Dt.:14/02/2025

(K. A. Powar)
2nd Jt. Civil Judge J.D., Udgir.