

**ORDER BELOW EXH. 21**

(Passed on : 19.10.2019)

01. Present application is filed under Order 6 Rule 17 of the Code of Civil Procedure by the plaintiff.

02. In short, it is the contention of the plaintiff that, he has filed suit for cancellation of the sale deed but in the plaint sale deed No. 218/2017 came to be typed instead of 219/2017. Therefore, it is necessary to correct the sale deed number. It will not change the nature of suit and defendant will not suffer the loss. Hence, prayed to allow the application.

03. Defendant opposed the application contending that to prolong the matter application is filed. Due to amendment subject matter of the suit will be changed. The defendant will suffer the irreparable loss due to amendment. The amendment is sought in entire plaint. The suit is not in respect of sale deed No. 219/2017. Hence, prayed to reject the application.

04. Heard both the parties and perused the entire pleading in the plaint. It appears that the suit is filed in respect of sale deed No. 218/2017. As per the contention of the plaintiff the sale deed number is 219/17 and not 218/2017. The objection of defendant is that subject matter of the suit will be changed but it is necessary to mention that the parties to the suit and other description of the property as mentioned in the plaint tallies with the recitals in the sale deed bearing No. 219/17.

Therefore, the plaintiff wants to change the sale deed number. Merely because wrong sale deed number came to be corrected will not amount to change of nature of the suit.

05. Further, on perusing the written statement, the defendant has also not contended that there was no transaction at all as alleged by the plaintiff vide sale deed No. 219/2017. Even he has also mentioned sale deed No. 218/2017 in the written statement. Therefore, it is necessary to allow the application and grant permission to correct the sale deed number. It will be helpful to decide the rights of the parties effectively.

06. Due to change of sale deed number the nature of suit will not be changed. The suit will remain for the cancellation of deed. No prejudice will cause to the defendant because his rights will be effectively decided due to the amendment. But for the delay on the part of the plaintiff, it is necessary to award the costs to the defendant. Hence, I pass the following order.

**ORDER**

1. The application is allowed subject to costs of Rs. 200/-.
2. The plaintiff shall carry out the amendment and file the amended plaint for the Court and copies thereof for the defendant.

Nilanga.  
Dated : 19.10.2019.

Sd/-  
(R. P. Kulkarni)  
Civil Judge Senior Division,  
Nilanga.