

**:: Order below Exh. 74 in Reg. Civil Suit No. 106/2013 ::**

01. This is an application under Order-VI Rule-17 of the Code of Civil Procedure filed by defendant No. 6.

02. In short the contention of the defendant No. 6 is that, the plaintiff has filed this suit for seeking partition and she has filed her written statement. However, while filing her written statement, due to typographical mistake in paragraph No. 8, wrong relationship came to be mentioned. This is nothing but a typographical error committed due to oversight. Accordingly, by contending that, the proposed amendment will not change the nature of the suit nor there is any prejudice to the plaintiff, she has prayed for allowing the application.

03. The plaintiff by filing say on the overleaf of the application contended that, the defendant No. 6 can not be permitted to carry out the proposed amendment.

04. Heard. Perused record. Perusal of record shows that, the issues in this matter are framed on 02-05-2016 and additional issues are casted on 06-01-2017. So also, the plaintiff has filed her affidavit of examination-in-chief on 01-09-2017. That means, the trial is already commenced. However, while looking at the nature of proposed amendment, it appears that, it is nothing but a correction of typographical error. While looking at this nature of the proposed amendment, it becomes clear that, the proposed amendment will neither change the nature of the

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suit nor it will prejudice the plaintiff in any way. Rather, it appears that, the proposed amendment is clarifactory in nature and is essential for the just adjudication of the matter. Considering this aspect, the application deserves to be allowed by compensating the plaintiff to some extent. Hence, following order.:

**:: Order ::**

- 1) Application is allowed subject to cost of Rs. 500/- ( Rs. Five Hundred only ), half of which to be deposited in Court for State.
- 2) The defendant No. 6 to carry out the proposed amendment within the stipulated time of 14 ( Fourteen ) days by complying with cost condition and comply accordingly.

Sd/-

( D.P. Kasat )

Date : 27-11-2017.

Civil Judge Jr. Division,

**Deoni.**

I affirm, the contents of P.D.F. file Order are correct word for word as per the original Order.

Name of the stenographer : M.Y. Wadiwale.  
Name of Court : Civil Court J.D., Deoni.  
Date : 27-11-2017.