

MHNG080006672023



R.C.S. No.24/2023

Musaraat & ors. Vs. Kamrunisa & ors.

**ORDER (BELOW EXH.21)**

(Passed on 06.05.2026)

The defendants have filed present application under Order VI Rule 17 of the Civil Procedure Code, 1908 (in short 'CPC') for carrying out amendment in counter-claim.

2. It is contended that the defendants have filed their counter-claim along with their written statement, but due to inadvertence in name clause names of parties were not written and also the title of the counter-claim was not written. Therefore, they want to add name clause and title clause in their counter-claim as mentioned in para No.3 of the present application. The proposed amendment will not change nature of the counter-claim. No prejudice would be caused to the plaintiffs, if the application is allowed. Hence, the application.

3. The plaintiffs have failed to file their say. Hence, the application proceeded without say of the plaintiffs vide order dated 20.01.2026 passed below present application.

4. Heard, the learned Advocate for the defendants. The learned Advocate for the plaintiffs remained absent for hearing. Hence, the application proceeded without hearing of the plaintiffs vide order dated 30.04.2026 passed below present application.

5. Perused the record. The defendants have filed their written statement at Exh.12 along with their counter-claim. Perusal of the same shows that the defendants inadvertently did not mention names of the parties and title clause in their counter-claim. The said mistake appears to be typographical mistake, which can be corrected at any time. No prejudice would be caused to the plaintiffs if the application is allowed. The nature of the counter-claim will not change, if the application is allowed. On the contrary, it will help to decide the suit as well as counter-claim on merits. Therefore, the application deserves to be allowed. Hence, I pass following order.

**ORDER**

1. Application (Exh.21) is allowed.
2. The defendants shall amend their counter-claim as mentioned in para No.3 of the present application within stipulated period and shall file amended copy of counter-claim accordingly.
3. Costs in main cause.

Kamptee  
Date :06/05/2026.

(R.R. Sherekar)  
Joint Civil Judge Junior Division,  
Kamptee.

ENDORSEMENT

Case argued on	:	06/05/2026
Order dictated on	:	06/05/2026
Transcription ready on	:	06/05/2026
Order checked and signed on	:	06/05/2026

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original order.

**Name of Steno**                      :- **Sau. P.A.Nirmal**