

MHNG110007212018



ORDER BELOW EXH.18 IN R.C.S. NO.67/2018
(Madhav Gawande -Vs- Rajendra Lande)

01. This is an application filed by the plaintiff seeking amendment in the evidence filed in lieu of examination-in-chief. It has contended that due to oversight, typographical mistake and while translation there have been mistakes in the affidavit filed by the plaintiff in lieu of examination-in-chief. The plaintiff seeking amendment in para No.01, instead of Gat No.284/2 as Gat No.384/2 in para No.02 instead of area 5.9 H.R. as area 3.56 H.R., instead of Gat No.284/2 as Gat No. 384/2 and instead of direction 'West' as 'East'. So also, plaintiff seeking permission to amend the directions as contended in the application. According to the plaintiff mistakes have been committed due to oversight and it was typographical mistakes. No prejudice will be caused to the defendant due to alleged amendment.

02. Defendant has objected the application and requested to pass appropriate order.

03. Perused the application and say. I have gone through the record. Heard counsel for both the parties.

04. The plaintiff has filed present application seeking amendment in the evidence affidavit filed by the plaintiff. It has the contention plaintiff that mistakes have been committed due to oversight and it was typographical mistakes.

05. It is pertinent to note that affidavit is a solemn declaration of a party which is attested by an advocate and therefore it cannot be permitted amend by invoking Order-6 Rule-17 of Code of Civil Procedure. The said provision is applicable to the pleading. An affidavit is not comes within the ambiguity of pleading. The pleading normally refers to plaint and written statement in the suit. Moreover, the evidence recorded by the Court can not be permitted to be amended. An affidavit filed in the chief examination would makes an affidavit, as a part of record. Therefore, same can not be amended. As such, I do not find merit in the application filed by the plaintiff and same is liable to be rejected. Accordingly, following order is passed.

ORDER

Application Exh.18 filed by the plaintiff is rejected.

Date :-28.04.2026

(P.K.Mutkule)
Civil Judge Junior Division,
Kuhi, Dist. Nagpur.