

MHNG160004282019



ORDER (BELOW EXH-13)
(Passed on 21.06.2024)

1. The plaintiff has filed the present application under Order VI Rule 17 of the Code of Civil Procedure for amendment of the plaint.

2. Learned Advocate for the plaintiff submitted that the plaintiff had purchased 507.50 sq.ft. area of S.No.789/1 ad-measuring 1.55 HR in total from defendants No. 1 to 4. However, in the entire plaint, the plaintiff had in inadvertently mentioned that he purchased 0.10 decimal (0.04 HR) of land from the defendants. The said mistake was made due to a typographical error. It was necessary to correct the area of the suit property for final adjudication of the dispute between the parties. Hence, he prayed that the application be allowed and he be permitted to correct the area of the suit property. On the other hand, learned advocate for the defendants prayed for the rejection of the application.

3. Perused the application, say and the record. Heard learned advocate for the plaintiff and the defendants. On perusal of the application, it appears that the proposed amendment seeks to

correct a typographical/clerical error in mentioned in the area of the suit property. The amendment sought by the plaintiff is necessary for final determination of the controversy between the parties. The nature of the suit is not going to be changed by way of the proposed amendment. No prejudice would be caused to the defendants if the application is allowed. Hence, I pass the following order.

ORDER

- 1] Application is allowed.
- 2] The plaintiff is allowed to carry out the proposed amendment as mentioned in the present application on or before next date.

Date- 21.06.2024

(A.B.Kadian)
Civil Judge Junior Division,
Mouda