

ORDER PASSED BELOW EXH.42 IN R.C.S.NO.129/2012 .

1 Plaintiff have filed this amendment application and submitted that, they have filed this suit for declaration and perpetual injunction against defendants. The defendant no.5 is the nephew of plaintiff no.1. But his name has been wrongly written because of typing mistake. Therefore plaintiff be allowed to correct the name of defendant no.5 by allowing this amendment application.

2 On the other hand, the defendant no.1 and 2 has taken strong objection and submitted that, plaintiff has filed this false application. The contention of the plaintiff that the name of defendant no.5 has got wrongly written by typing mistake is false one. Therefore this application be rejected. However if the Hon'ble Court comes to the conclusion to allow this application, then cost be imposed.

3 I have perused the application, affidavit and say thereon. Heard both the learned advocates. It appears that, the plaintiff has filed this suit for declaration and perpetual injunction. Considering the nature of amendment it appears that, it is only with respect to correcting the name of defendant no.5. The said proposed amendment appears to be of formal in nature. If the proposed amendment would be allowed then it will not change the nature of suit. Moreover it will not cause any prejudice to the defendants. However, considering the objections it would be just to impose the reasonable cost. Hence I proceed to pass the following order.

ORDER

- 1) Application stands allowed subject to cost of Rs.200/-.
- 2) Plaintiff shall amend their plaint within 14 days from the date of this order and shall furnish the copies of amended plaint.

Date: 02/02/2016.

Sd/-
(A. N. Mane)
2nd Jt.Civil Judge Jr.Dn.,Bhoom.

