

ORDER PASSED BELOW EXH-19
(Passed on 16-12-2021)

1] The defendant nos.1 and 7 filed the instant application for amendment as per order 6 rule 17 of the code of civil procedure.

2] Read application and say filed by plaintiff. Heard both the parties. Perused the record.

3] The plaintiff filed the instant suit for partition, separate possession and injunction. The defendant nos.1 and 7 intend to bring amendment in their written statement in para no.1 that due to over sight in para no.1 it is mentioned that defendant nos.4,5 and 6 are sisters instead of defendant nos.3 to 5. Therefore, prayed for allowing this application. Per contra, plaintiff strongly objected this application.

4] Upon the perusal of the record it depicts that the plaintiff filed the present suit for partition, separate possession and injunction. Defendant nos.1 and 7 filed their say at Exh-16 and in para no.1 of additional statement it is mentioned that defendant nos.4,5 and 6 are real sisters of plaintiff. But however, as per pleading of plaintiff also defendant nos.3 to 5 are his sisters. The amendment which defendant nos.1 and 7 intends to bring appears to be typographical mistake.

5] It is pertinent to note here that Order 6 Rule 17 of Code of Civil Procedure provides that amendment of the pleading may at any stage of the proceeding allow, if the amendment is necessary for the purpose of determining the real question in controversy between the parties.

6] The amendment which the defendant nos.1 and 7 intend to bring appears to be necessary. So in my opinion for the purpose of deciding real question in controversy between the parties and for fair trial and to elucidate the controversy between the parties, one opportunity is required to be given to the defendants to amend the written statement by bringing proposed amendment sought by the defendant nos.1 and 7 by way of this application. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. defendant nos.1 and 7 are directed to carry out the amendment in the written statement within 14 days from the date of this order.
3. defendant nos.1 and 7 is directed to file amended copies of the written statement on the record.
4. No order as to costs.

Date:- 16-12-2021

(Miss. Maimuna Sultana M.)
Jt. Civil Judge Junior Division
Gangakhed