

Order below exhibit 20 in R.C. S. No.97/2017.

1. This is a suit for specific performance of contract. By this application plaintiff has prayed to permit him to correct typographical mistake occurred in para no.01 of plaint and application at exhibit 05.

2. According to plaintiff in para no.01 instated of “939”, inadvertently “339” has been typed. This is typographical mistake occurred by slip of sight. This mistake needs to be corrected. Hence he has given this application. According to him the nature of suit will not be changed by the proposed amendment. So he has prayed to allowed the application.

3. Defendants have filed their say. According to them the application is filed without reason and at belated stage. They have prayed to reject the application as the nature of suit will be changed by the proposed amendment.

4. Considering the rival contention of both the parties following points arise for determination to which I have recorded my findings for the reasons to follow.

Points	Findings
1. Whether the proposed amendment is necessary for the purpose of determining the real question in controversy between the parties?	...Yes.
2. Whether the amendment can be allowed at this stage?	...Yes.
3. What order?	As per final order.

REASONS

5. I have gone through the application carefully. Perused the say of defendants. Perused the plaint and written statement. Learned Adv. B. P. Salunkhe, on behalf of plaintiff submitted that, the proposed amendment is a typographical mistake. It needs to be corrected. It will not cause prejudice to the right of defendants. The amendment is of formal nature. So he prayed to allow the application.

6. On the other hand Learned Adv. K. M. Pawar vehemently argued that, plaintiff cannot be permitted to amend plaint because it will change the nature of suit. So he prayed to reject the application. Considering the arguments I proceed.

As to points no.01 to 03:

7. On perusal of record it is seen that plaintiff has brought this suit regarding land in gat no.939 and not regarding land in gat no.339. In plaint para no.05 also gat no.939 is mentioned. From this, plaintiff's intention to bring suit regarding land in gat no.939 is crystal clear. So it is apparent that in para no.01 of plaint and application at exhibit 05, gat no.339 is wrongly written. This is nothing but a typographical mistake. Permission can be given to correct the mistake. It will not cause prejudice to defendants. The nature of suit will not be changed. On the contrary if permission is not given, the wrong gat number will create confusion in resolving the dispute. The suit is in its primary stage. Yet trial has not commenced. Plaintiff has diligently moved this application as soon as he has noticed the mistake. No delay, inconvenience or loss is caused to defendants which needs to be compensated. So points no.01 & 02 are answered in the affirmative and in answer to point no. 3 following order is passed.

: Order :

1. Application is allowed.
2. Plaintiff is permitted to correct typographical mistake occurred in para no.01 of plaint and application at exhibit 05.
3. He shall carry out the amendment within statutory period.
4. Costs in main cause.

Date: 16/11/2018.

(R. R. Patil)
Civil Judge, J. D., Mahad