

ORDER BELOW EXH. 160 IN Spl.C.S. 68 / 2012

This is an application under Order VI, Rule 17 of the Code of Civil Procedure seeking amendment in plaint preferred by the plaintiff.

2] **Facts of the application are as under :**

According to plaintiff, defendant No.9 has given a document typed on computer and signed by defendant No.9. But inadvertently in plaint para 9.8 there is mention of defendant No.2 instead of defendant No.9. Therefore, the plaintiff seeking amendment in plaint. It is his contention that this is only a typographical mistake, if it is allowed it would not change the nature of the suit, on the contrary it is helpful to decide the real controversy between the parties. Hence plaintiff prayed to allow the same.

3. The application has been resisted by the defendants 1, 2, 5 and 6 by filing say below it. It is contended that if amendment is allowed, the nature of the suit will be changed. It is further contended that the application is ill-motivated and filed for delay the matter. Therefore, it cannot be allowed.

4. Defendant Nos.7 and 8 have given their no objection to allow the application. Other defendants have not filed their say.

5. Heard learned advocates for both sides and perused record.

6. Following points arise for my determination and I record my findings against each of them for the reasons mentioned thereunder :

<u>POINTS</u>	<u>FINDINGS</u>
1) Whether the amendment sought for by the plaintiff is necessary for determining the real controversy between the parties ?	-- Yes
2) Whether the amendment can be allowed ?	-- Yes
3) What order ?	-- Application allowed.

REASONS

As to points 1 to 3 :

6) On perusal of document filed alongwith list Exh.3 at Sr.No.51 it is seen the signature of defendant No.9. On perusal of contents in the plaint to that effect it is seen that instead of defendant No.9 it is mentioned as defendant No.2. This is absolutely typographical mistake which occurred while typing the plaint. It is well settled that the typing mistake be corrected. Therefore, in my view, it would be proper to allow the prayer of the plaintiff to amend the plaint which will be helpful to determine the cause in limeny and multiplication of the litigations can be avoided. It is, therefore, I answer the points in the affirmative and proceed to pass the following order.

ORDER

- 1) Application is allowed.
- 2) The plaintiff is permitted to amend the plaint within 14 days

..3..

from the date of this order.

- 3) The plaintiff shall supply amended plaint to the Court and to the defendants.
- 4) Costs to follow cost in cause.

Date : 27-11-2015

Sdxxx/-
(D.S.Deshmukh)
Civil Judge, Sr. Dn.
Sangli