

ORDER PASSED BELOW EXH.29
(Dated : 01/01/2026)

This application is moved on behalf of the plaintiffs under Order 6 Rule 17 of the Code of Civil Procedure, 1908.

2. It is contended by the plaintiff that the plaintiff has filed the present suit for Declaration and Permanent Injunction in respect of the suit property. It is submitted that due to inadvertent clerical and typographical mistake, the title of the plaint wrongly describes the suit as Suit for Declaration, Partition and Separate Possession instead of Suit for Declaration and Permanent Injunction. It is contended that the mistake is neither intentional nor deliberate and has occurred inadvertently. It is further contended that the proposed amendment is confined only to correction in the title of the plaint and does not affect the pleadings, cause of action or reliefs claimed in the suit. Hence, the plaintiff submits that for proper adjudication of the real controversy, such amendment is necessary.

3. The defendant filed reply and strongly opposed the application. It is contended that at the initial stage itself, the plaintiff was aware about the defect in the title of the suit and the same was pointed out when the defendant filed an application under Order VII Rule 11 of the Code of Civil Procedure. It is further contended that despite such objection, the plaintiff failed to file amendment application at an earlier stage and has signed the plaint without verifying its contents. According to the defendant, the application is an afterthought and deserves to be rejected with heavy costs.

4. Heard both sides. Perused the record.
5. The suit, as borne out from the pleadings and prayers in the plaint, is for Declaration and Permanent Injunction. The proposed amendment is limited only to correcting the title of the plaint so as to bring it in consonance with the pleadings and prayers. No new relief is sought to be introduced and no change is proposed in the cause of action or nature of the suit. The objection raised by the defendant regarding delay and negligence cannot be a ground to refuse a purely clerical and formal amendment, particularly when no prejudice is shown to have been caused to the defendant. It is well settled that courts should adopt a liberal approach in allowing such amendments to avoid technicalities defeating the ends of justice. Refusal of such amendment would result in continuation of an obvious error on record, which would not serve the interest of justice.
6. In view of the above discussion, the application deserves to be allowed. Hence, I pass following order :

ORDER

- 1) The application stands allowed.
- 2) The plaintiffs shall carry out requisite amendment in the plaint within the 14 days from date of this order.

Date : 01/01/2026

(Shailesh R. Satbhai)
Civil Judge Junior Division,
Seloo.

R.C.S.No.1/2023
Subhash Vs. Chandrakant
CNRNo.MHWR040000112023

CERTIFICATE

I affirm that the contents of this P.D.F. file is same, word to word as per the original.

(R. M. Khan)
Stenographer (Grade-III)