

ORDER BELOW EXHIBIT 14

(Passed on 03/04/2025)

This application has been filed by the plaintiff under Order VI Rule 17 of the Code of Civil Procedure (CPC). The say of the defendant was called, and he has raised no objection.

2) Heard the learned Advocates for both sides.

3) The learned Advocate for the plaintiff submitted that at the time of filing the present suit, the plaintiff's name was inadvertently mentioned as Nandkumar instead of Nandkishor, due to a typographical mistake. He requested permission to correct the plaintiff's name in the plaint as well as in the affidavit of evidence, arguing that the proposed amendment would neither change the nature of the suit nor cause prejudice to the defendant. Accordingly, he prayed for the application to be allowed.

4) The learned Advocate for the defendant has not objected to the application and submitted that a suitable order may be passed.

5) Upon perusal of the record and consideration of the submissions, it is evident that the title clause of the plaint mentions the plaintiff's name as Nandkumar. During the recording of his chief examination, it came to notice that the name was inadvertently written as Nandkumar instead of Nandkishor. The amendment is necessary to ensure an accurate decree.

6) Furthermore, Order VI Rule 17 CPC states that the court may allow either party to amend its pleadings at any stage of the proceedings to determine the real questions in controversy between the parties. In the

present suit, the trial is yet to commence, and the proposed amendment neither changes the nature of the suit nor prejudices the defendant.

7) However, the provision clearly states that the court may grant permission only for the amendment of pleadings. An affidavit of examination-in-chief does not fall within the scope of pleadings. Therefore, the application deserves to be allowed only to the extent of amending the plaint. After amending the plaint, the plaintiff is at liberty to file a fresh affidavit of examination-in-chief. Considering the above discussion I pass following order:-

ORDER

1. The application exhibit 14 is allowed.
2. The plaintiff is permitted to carry out the amendment in the plaint.

Sd/-

Date:- 03/04/2025

(Roshni Deepak Chaube)
Jt.Civil Judge Junior Division,
Arni (Court No.2)