

MHYA210024042022



ORDER BELOW EXH.21

Bhimarav Dagdu Teltumbade Vs. Sau. Sima Raju Khuspure+7

(1) The plaintiff proposed the amendment to cure the typographical mistake existed in the plaint to remove the further complication. The defendant resisted the application on the count of due knowledge and intentionally made the mistake and created the complication in the pleading and thereby, prayed for rejection of application with costs of Rs.2,000/-.

(2) There is no doubt that the existed pleading for which the amendment is proposed is occurred out of mistake, either it may be typographical or inadvertently made. However, it cannot be said to be intentional. The issues are yet to be framed. Thereby, the trial is yet to be commenced. In view of the guidelines issued by the Honorable Apex Court, the amendment sought prior to the stage of framing of issues no hyper technical view should be taken. The amendment prior to framing of issues, the allowed. Considering the typographical mistake and stage of proceeding, the application deserves to be allowed. Hence, I pass following order.

ORDER

1. The application (Exh.21) is allowed.
2. The plaintiff is permitted to amend the plaint, in view of proposed amendment, within 7 days.
3. The defendant will have right of making consequential amendment, if so desire within reasonable time after incorporating the amendment.
4. The application is disposed of, accordingly.

Place :Wani
Date :18.07.2023

(Sudhir M. Bomidwar)
Civil Judge (Jr.Dn.), Wani.