

IN THE COURT OF SMALL CAUSES, AT MUMBAI

ORDER BELOW EXHIBIT No.26

IN

R.A.D SUIT NO. 1285 OF 2018

[C.N.R. No.MHSCA 20019352018]

Mrs. Shanti Madangopal Poddar (deleted)PLAINTIFFS
1a) Rashmi Rajkumar Sureka and ors

Versus

1. M/s. Daksha Parikh and ors.DEFENDANTS

Coram : A. H. Baig
Judge, C. R. No. 9

Date : 11/03/2025

: O R D E R :

1. This is an application for modification of order dated 06/01/2025 and permitting the plaintiff to carry out the amendment as per the correct schedule.

2. It is contended in the application that plaintiff filed amendment application vide Exhibit 19 for adding respondent as party defendant and also for carrying out other amendments in the plaint. It was allowed by the court. However, thereafter plaintiff realized that there was typographical mistake in paragraph No.1B of the schedule. In line No. 4 and 10, the words 'Vithaldas Karsondas' was wrongly written in place of 'Baldeodas C. Parikh and in line No.6, the words were wrongly typed as 'Block No. 2' instead of 'Block No.1'. The order came to be passed as per the said schedule. Said mistakes are curable and purely typographical. Hence, plaintiff be

permitted to correct the said mistakes and carryout amendment as per correct schedule.

3. Defendants have strongly objected the application and submitted the matters to the orders of the court.

4. I have heard both the learned advocates at length. Permission is sought due to typographical mistake in the schedule. 'To err is human' is basic principle. Such mistakes and defects are curable by allowing the plaintiff to carry out amendment as per schedule by modifying earlier order. If such order is passed, no prejudice will be caused to other side. Plaintiffs have annexed correct schedule with this application. Hence, I do not find any hurdle in allowing the present application. In the result, I pass the following order :

: ORDER :

1. The application is allowed.
2. Earlier order passed below Exhibit 19 dated 06.01.2025 is modified.
3. Plaintiff is permitted to carryout amendment in the plaint as per the correct schedule annexed with the present application within 14 days from the date of this order and supply amended copy to the other side.

Date : 11/03/2025

Mumbai

Dictated On : 11/03/2025

Transcribed on : 11/03/2025

Checked and signed on : 11/03/2025

(A. H.Baig)

Judge, C.R. No. 09