

IN THE COURT OF SMT. PRIYANKA SAIKIA, MUNSIFF NO. 2,
SONITPUR, TEZPUR

Misc (J) 96 of 2021

05-01-2022

Both sides are represented.

Seen the petition filed by petitioner/plaintiff under Order VI Rule 17 of C.P.C. praying for amendment of plaint. The said petition is supported by an affidavit.

Copy of the petition is already received by other side.

Heard the learned advocates for both the parties.

Perused the case record.

Now, by this order, I am going to dispose of the instant matter on merit. The proposed amendment in the schedule of the plaint is sought for as follows- (i) In the Plaint, the suit land is situated at village PUTHIKHATI but in different paragraphs i.e. 1,2,3 and schedule of the plaint, the village name has been mentioned as PUTHIMARI. The name of the village wherever appears PUTHIMARI in the plaint is required to be replaced and corrected by the word PUTHIKHATI.

The learned advocate for the petitioner/plaintiff submitted that the suit is at nascent stage and it is purely a typographical error. There is no absence of due diligence. It is also submitted that if the amendment is allowed then it will not change the nature and character of the suit and it will not prejudice the other side.

The learned counsel for the O.P. has not objected the petition.

Now Order VI Rule 17 of Civil Procedure Code provides that "The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties: - Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial".

Thus, it transpires that the Court may at any stage allow all such amendments as may be necessary for the purpose of determining the real question in controversy between the parties.

Hence, considering the above all aspects, I am of the considered opinion that the prayer of the petitioner can be allowed. Therefore, the prayer of the petitioner is allowed to amend the plaint as sought and allowed to correct in red ink in the plaint.

The instant Misc. (J) Case accordingly stands disposed of.