

A.Nos.5981 and 5982 of 2015
in C.S. No.306 of 2002

PUSHPA SATHYANARAYANA, J.

These applications are filed by the applicant/fourth defendant for amending of schedule II V(a) and schedule II(iv) respectively in the plaint and preliminary decree.

2.It is stated in the affidavit that originally the properties were purchased on 16.01.1965 with respect to Survey No.136/2 situated in Padianallur Village an extent of 2.82 cents and on 04.01.1975 with respect to Survey No.135/2A2 to an extent of 0.07 cents and Survey No.135/2B to an extent of 0.10 cents, a total extent of 0.17 cents and by another sale deed dated 27.01.1975 an extent of 0.17 cents in S.No.135/2A1 totalling 0.27 cents situate at Padiayanallur Village, Thiruvallur District. Instead of 0.27 cents out of 3.53 acres in S.No.135/2A2 to an extent of 0.07 cents and in S.No.135/2B to an extent of 0.10 cents and S.No.135/2A1 to an extent of 0.10 cents and instead of S.No.136/2 to an extent of 2.82 cents situate at Padiayanallur Village, Thiruvallur District, it is mentioned as 0.17 cents in S.No.135/2 and 2.32 cents in S.No.136/2. Hence, he prays for amending of schedule II V(a) and schedule II(iv).

3.Learned counsel appearing for the third defendant would submit that it was only a typographical error and therefore he has no objection in amending the same.

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4.Learned counsel appearing for the first defendant by way of filing counter affidavit, contended that the amendment cannot be allowed as it is not a typographical error and that based on the documents, the amendment has been sought for by the applicant.

5.A reading of the affidavit prima facie shows that it is only a typographical error and the same had occurred at the time of filing of the plaint and carried out while passing the preliminary decree also. The objection raised by the first defendant is unsustainable as it is only a typographical error which came to light only now. Hence, the applications are allowed.

6.Plaintiff is directed to carry out the amendment in the plaint and furnish a copy of the the amended plaint after which the registry is directed to issue the amended copy of the decree on payment of necessary charges.

08.08.2016

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Note: Issue order copy on 10.08.2016

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