

IN THE COURT OF CIVIL JUDGE (SD) LUCKNOW

R.S.No.148 of 2020

Kalyan Kumar Ghosh and anotherPlaintiffs

Versus

Mohd Shoeb Alam and othersDefendants

FF:06.02.2020

**APPLICATION ON BEHALF OF PLAINTIFFS UNDER ORDER VI
RULE 17 READ WITH SECTION 151 CODE OF CIVIL
PROCEDURE FOR AMENDMENT IN THE PLAINT**

The plaintiffs most humbly and respectfully submit as under:-

1. That the plaintiffs on 30.01.2020 filed the above noted suit for permanent injunction along with an application under Order XXXIX Rules 1 and 2 Code of Civil Procedure as well as an application for local inspection of the suit property under Order XXXIX Rule 7 Code of Civil Procedure before this Hon'ble Court.
2. That after considering the prima-facie case of the plaintiffs this Hon'ble Court has been pleased to grant ad-interim injunction order in favour of the plaintiffs.
3. That at the time of filing of the suit due to typographical mistake the House Number of suit property has wrongly been mentioned as House No.131/21 in place of actual House

No.130/21, J.C.Bose Marg, East gate, Qaiserbagh, P.S.Qaiserbagh, Lucknow and accordingly the House Number has wrongly been transcribed as 131/21 instead of House No.130/21 which is human error and the plaintiffs have not transcribed the number intentionally but the same is a typographical human error which deserves to be corrected as such the following amendment is necessary to be incorporated in the plaint:-

- (1) In the description of plaintiffs in third line after word residents of House No.131/21 be allowed to be replaced by figure House No.130/21 and similarly in para 1 of the plaint at second line the figure 131 be allowed to be replaced by figure 130 (one three zero).
 - (2) The plaintiff be allowed to correct the House No.131/21 to House No.130/21 in the registered address.
4. That no other consequential amendment arises and the aforesaid amendment is formal in nature and the same will not change the description and identification of the suit property as the same is mere mistake of figure of 131 in place of figure 130 as the identification of the suit property has been shown correctly by the plaintiffs in the site plan enclosed together with plaint.

PRAYER

It is, therefore most respectfully prayed that the Hon'ble Court be pleased to allow the plaintiffs to amend/correct the House number in

the plaint instead of House No.131/21 by correcting the same is as House No.130/21 in the plaint for proper adjudication of the controversy between the parties.

The plaintiffs shall ever pray for this act of kindness.

Lucknow

Dated:03.02.2020

Plaintiffs

VERIFICATION

We the plaintiffs do hereby verify that the contents of para 1 to 4 of this amendment application are true to our personal knowledge.

Signed and verified this 3rd day of February 2020 at Lucknow.

Lucknow

Dated:03.02.2020

Plaintiffs

(x)

Advocate

Counsel for Plaintiffs

IN THE COURT OF CIVIL JUDGE (SD) LUCKNOW

R.S.No.148 of 2020

Kalyan Kumar Ghosh and another

.....Plaintiffs

Versus

Mohd Shoeb Alam and others

.....Defendants

AFFIDAVIT IN SUPPORT OF AMENDMENT APPLICATION

I, Sandeep Kumar Ghosh, aged about 54 years, son of late Nitish Chandra Ghosh, resident of House No.130/21, JC Bose Marg, Eastern gate, Qaiserbagh, P.S.Qaiserbagh, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is plaintiff no.2 and younger brother of plaintiff no.1 as such he is fully conversant with the facts deposed.
2. That the contents of para 1 to 4 of the amendment application are true to my personal knowledge.

Lucknow

Dated:03.02.2020

Deponent

VERIFICATION

I the deponent do hereby verify that the contents of para 1 and 2 of the affidavit are true to my personal knowledge.

Signed and verified this 3rd day of February 2020 at Lucknow.

Lucknow

Dated:03.02.2020

Deponent

I identify the deponent who has signed before me.

Advocate