

REVISED JUDICATURE ACT OF 1961 (EXCERPT)

Act 236 of 1961

CHAPTER 23

AMENDMENTS

600.2301 Amendment of process or pleadings before judgment.

Sec. 2301. The court in which any action or proceeding is pending, has power to amend any process, pleading or proceeding in such action or proceeding, either in form or substance, for the furtherance of justice, on such terms as are just, at any time before judgment rendered therein. The court at every stage of the action or proceeding shall disregard any error or defect in the proceedings which do not affect the substantial rights of the parties.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.2305 Answer to amended pleading.

Sec. 2305. If such amendment is made to any pleading in matter of substance, the adverse party shall be allowed an opportunity, according to the course and practice of the court, to answer the pleading so amended.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.2311 Amendment of process or pleadings after judgment.

Sec. 2311. After judgment rendered in any cause, any defect or imperfections in matter or form, contained in the record, pleadings, process, entries, returns, or other proceedings, may be rectified and amended by the court, in affirmance of the judgment, so that such judgment shall not be reversed or annulled; and any variation in the record, from any process, pleading or proceeding had in such cause, shall be reformed and amended according to such original process, pleading or proceeding.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.2315 Defects not affecting judgment.

Sec. 2315. When a verdict has been rendered in a cause, the judgment thereon shall not be stayed, nor shall any judgment upon confession, or default, be reversed, impaired, or in any way affected, by reason of the following imperfections, omissions, defects, matters or things, or any of them, in the pleadings, process, record or proceedings, namely:

(1) For any default or defect in process; or for misconceiving any process, or awarding the same to a wrong officer; or for the want of a suggestion for awarding process, or for an insufficient suggestion.

(2) For an imperfect or insufficient return of a sheriff or other officer or that the name of the officer is not set to a return actually made by him.

(3) For mispleading, miscontinuance or discontinuance, insufficient pleading, or misjoining of issue.

(4) For the want of warrant of attorney by either party; except in cases of judgment by confession, where the warrant is expressly required by law.

(5) For a party under 18 years of age, having appeared by attorney, if the verdict or judgment be for him.

(6) For the want of an allegation or averment, on account of which a motion to dismiss could have been maintained.

(7) For omitting an allegation or averment of matter, without proving which the jury ought not to have given the verdict.

(8) For a mistake in the name of a party or person, or in a sum of money; or in the description of property; or in reciting or stating a day, month or year, when the correct name, time, sum or description shall have been once rightly alleged in any of the pleadings or proceedings.

(9) For a mistake in the name of a juror or officer.

(10) For an informality in entering a judgment, or making up the record thereof; or in a continuance or other entry upon the record.

(11) For any other default or negligence of a clerk or officer of the court, or of the parties, or their counselors or attorneys, by which neither party shall have been prejudiced.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1972, Act 87, Imd. Eff. Mar. 20, 1972.

600.2321 Immaterial defects; amendments to correct.

Sec. 2321. The omissions, imperfections, variances and defects in section 2315 enumerated, and all others, of the like nature, not being against the right and justice of the matter of the suit, and not altering the issue between the parties, or the trial, shall be supplied and amended by the court where the judgment shall be given, or by the court into which such judgment shall be removed.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.2325 Amendment only on order of court.

Sec. 2325. No process, pleading or record, shall be amended or impaired by the clerk or other officer of any court, or by any other person, without the order of such court, or of some other court of competent jurisdiction.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.2331 Imperfection in appeal.

Sec. 2331. No appeal shall be dismissed on account of any informality or imperfection in the bond, affidavit or other proceedings, for the taking of such appeal, if plaintiff shall either by amendment, or by furnishing a new bond, affidavit or other paper, supply the deficiency or defect.

History: 1961, Act 236, Eff. Jan. 1, 1963.