

KABC170005022025



**IN THE COURT OF LXXXII ADDL. CITY CIVIL &
SESSIONS JUDGE, AT BENGALURU (CCH. 83)**

THIS THE 16th DAY OF JULY 2025

PRESENT:

**PRESENT: SRI. VIDYADHAR SHIRAHATTI, LL.M.,
LXXXII ADDL.CITY CIVIL & SESSIONS
JUDGE, BENGALURU.**

Com.O.S.No.165/2025

BETWEEN:

MOHAN K.G.

: PLAINTIFF

AND

**RENUKA VINOD KUMAR
GANDHI**

: DEFENDANT

ORDERS ON I.A. NO. II

The Plaintiff filed this IA U/O 6 R 17 of CPC for amendment of the Plaint for adding para no.2(a) after para no.2 and delete para no.5 and add the new para no.5 as referred below:

Add Para no.2(a) after Para no.2:

"The Defendant is one the costumer of the plaintiff and purchased labels, Tags and Tapes from the plaintiff for the period from 05.02.2013 to 22.02.2023 on credit basis. The Plaintiff has maintained the accounts in his usual and ordinary course of business and a sum of Rs.10,00,194/- is due from the defendant to the plaintiff. The Plaintiff has produced the relevant invoices, delivery challans, statement of account to establish the suit claim. It may kindly be read as part and parcel of this Plaint. The Plaintiff has paid the amount towards outstanding dues on 02.03.2024 and thereafter not paid any amount towards her dues in respect of suit transaction the Defendant has last purchased the goods from plaintiff on 22.02.2023 on credit basis. Hence, interest is calculated on Rs.10,00,194/- from 22.02.2023 at

the rate of 24% p.a.. Hence, interest Rs.4,60,090/- is claimed from 22.02.2023 to till the date of filing the suit”.

Delete Para no.5 and add new para no.5:

“The cause of action for the suit arose on several dates when the goods were sold and delivered on credit basis and same is a running account. The defendants made last payment on 02.03.2024 and thereafter not made payment in spite of several demands and legal notice dtd.25.07.2024. The suit is in time.”

2. In the accompanying affidavit, the plaintiff has stated that, the period of transactions and date of transaction not clearly mentioned. Hence, he advised to amend the Plaint. The proposed amendment will not change the nature of suit. The mistakes are bonafide and same are not intentional. Hence, prays to allow the application.

3. The Defendant has filed a detailed objections stating that, the application filed by the plaintiff is not maintainable either under law or under facts. The Plaint is not disclosed the cause of action. Hence, the Defendant already filed

Com.O.S.No.165/2025

application U/O 7 R 11 of CPC for rejection of the Plaint. The adding para no.2(a) is improve the pleadings and adding para no.5 is making corrections of cause of action. Hence, proposed amendment application is liable to be dismissed.

4. I have heard the arguments of the learned Advocate for both parties.

5. Based on the contentions of the respective parties, submissions made by the learned Advocates for both parties, I formulate the following Points for my consideration:-

(1) Whether the Plaintiff made out a grounds to allow the application filed U/O 6 R 17 of CPC ?

(2) What Order?

6. My findings are as follows:-

Point No. 1 : - In the **Affirmative.**

Point No. 2 : - As per my final orders for the following reasons.

REASONS

7. Point No. 1 : - The Plaintiff has filed this suit for recovery of money against the Defendant for their business transactions to plead his business transactions with Defendant, Plaintiff has seeking a addition of para no.2(a) in his Plaint. Further that, the plaintiff has sought amendment to replacement of para no.5 for clearly mentioned about the delivery on credit basis and the goods was when sold. Even the date of Legal notice and the last payment made by the Defendant has to be mentioned. Therefore, seeking substitution of para no.5 is not a change of nature of the suit and also not discloses new cause of action. Both the date mentioned in para no.5 are already mentioned in Plaint para no.2 and 3.

8. Further more, the case is in filing of objections and evidence of parties were not commenced, hence the plaintiff has made out a grounds to allow the I.A.No.2 Therefore, in view of the above observation, I answer Point No.1 as **'Affirmative'**.

9. Point No. 2: - Therefore, I proceed to pass the following Order.

ORDER

***I.A No.2 filed by the Plaintiff U/O 6 R
17 r/w sec.151 of CPC is hereby
Allowed.***

(Dictated to the Stenographer, typed by her directly on the computer, verified by me and pronounced in the open court on **16th day of July 2025**).

**(VIDYADHAR SHIRAHATTI),
LXXXII Addl.City Civil & Sessions Judge,
Bengaluru.**