

KABG040008322018



04.04.2026

O.S.No.400/2018

**ORDER ON I.A.NO.XXI FILED U/O.VI RULE
17 R/W. SEC.151 OF C.P.C.**

The counsel for plaintiffs has filed application U/O.VI Rule 17 R/w. Sec.151 of C.P.C., seeking the proposed amendment to the plaint i.e., to insert in Page No.3, the following word 'declaration' before the words 'permanent injunction'. Further, to add the boundaries to the suit property as follows :

'To the West : CTS No.5742 to be inserted before 'remaining portion of Survey No.163'.

To the North – CTS No.5740 to be inserted before 'remaining portion of Survey No.163'.

To the South - Remaining portion of Survey No.163 to be deleted and in its place to add the word 'road'.

2. In the affidavit annexed to the application, the plaintiff No.1 has stated that the present suit is filed for the relief of declaration and injunction and the plaintiffs have challenged the sale deed dated 15.05.1998 as illegal and not binding on the plaintiffs. But, by oversight and due to typographical error, the word declaration has not been included in the plaint and also in the boundaries to the suit property, the direction towards south and north side of the property have been interchanged and this is pure typographical error. That the defendants will not suffer any loss or hardship if the proposed amendment is allowed. On these grounds, the plaintiffs have prayed to allow the present application.

3. Per contra, the defendants have submitted no objection to the allow the said application.

4. Heard learned counsel for plaintiffs.
5. Perused application.
6. On the basis of aforesaid application, the following points arise for my consideration :
 - i) *Whether the applicants/plaintiffs have made out grounds to allow the application?*
 - ii) *What order?*
7. My answer to above points are as under:

Point No.1 : In the Affirmative.

**Point No.2 : As per final order
for the following :**

REASONS

8. **Point No.1 :** The present suit is filed seeking the relief of declaration and permanent injunction and the present application is filed seeking the proposed amendment to the plaint as mentioned above.

9. However, the plaintiffs are intending to add the word 'declaration' in Page No.3 where the heading of the suit is mentioned only as 'permanent injunction'. It is pertinent to note

that while mentioning the prayer in the plaint, the plaintiffs have sought the relief of declaration also. It appears that by oversight the word 'declaration' has not been mentioned in Page No.3. Further, the plaintiffs are intending to correct the boundaries mentioned in the schedule to the plaint with respect to the suit property towards north and south by stating that the said boundaries have been interchanged while mentioning. The defendants have also submitted no objection to the proposed amendment. The proposed amendment being only for the purpose of correcting typographical errors in the plaint, it deserves to be allowed. The proposed amendment will not change the nature of suit and it will not cause any prejudice to other side. Hence, the proposed amendment deserves to be allowed. Accordingly, I answer **Point No.1 in the Affirmative.**

10. Point No.2 : In view of forgoing discussion, I proceeds to pass the following:

O.S.No.400/2018

ORDER

The application i.e.,I.A.No.XXI filed by applicants/plaintiffs U/O.VI Rule 17 R/w. Sec.151 of C.P.C. is hereby allowed.

The plaintiffs are directed to carry out amendment and file amended plaint.

**Prl. Civil Judge & J.M.F.C,
Belagavi.**

Call on 16.04.2026.

**Prl. Civil Judge & J.M.F.C,
Belagavi.**