

**ORDERS ON APPLICATION FILED BY THE
PLAINTIFF UNDER ORDER VI RULE 17 OF THE
CODE OF CIVIL PROCEDURE**

ORDER

The present application is filed by the plaintiffs under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking permission to amend the plaint as stated in the application.

2. The plaintiffs seek amendment of paragraph No.11 of the plaint by incorporating the details regarding the maternal uncle of the plaintiff, namely Shri Chanagouda Shivabasappa Patil, and also seek incorporation of the necessary particulars regarding the names of the father, mother and wife of the deceased person in the prayer column for the purpose of obtaining a proper death certificate.

3. The main objection of the defendants is that the application is filed at a belated stage when the suit has already reached the stage of recording evidence and that the proposed

amendment would change the nature and character of the suit. It is further contended that there are no sufficient grounds and that the explanation given by the plaintiffs regarding technical errors is not acceptable.

4. Heard the learned counsel for the plaintiffs and the defendants. Perused the pleadings, objections and materials available on record.

5. On perusal of the pleadings, it is seen that the plaintiffs have filed the present suit seeking declaration of civil death of Shri Chanagouda Shivabasappa Patil and for consequential relief. The proposed amendment is mainly intended to incorporate certain particulars relating to the identity and family details of the deceased person and to correct the pleadings and prayer portion so as to enable proper adjudication of the dispute.

6. The object of Order VI Rule 17 of CPC is to permit amendments which are necessary for determining the real questions in controversy between the parties. Though amendments after commencement of trial are to be considered

with caution, the same cannot be rejected merely on the ground of delay if the amendment is necessary for effective adjudication and does not introduce an entirely new cause of action or change the fundamental nature of the suit.

7. In the present case, the proposed amendment does not appear to introduce any new relief or a new cause of action. The basic nature of the suit, namely seeking declaration regarding civil death of the concerned person, remains unchanged. The amendment sought is only for incorporating necessary factual particulars and rectifying certain mistakes. The defendants will have sufficient opportunity to contest the amended pleadings and no prejudice will be caused to them.

8. Therefore, this Court is of the opinion that the plaintiffs have made out sufficient grounds to allow the amendment application. Hence, the following:

ORDER

The application filed by the plaintiffs under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure is hereby allowed.

The plaintiffs are permitted to amend the plaint as prayed in the application.

No order as to costs.

For amendment and amended plaint.

Call on, 30/06/2026.

Sd/-

**Prl. Civil Judge and JMFC,
Bailhongal.**