



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, GOKAK.**

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.73/2022

DATED THIS 10th DAY OF FEBRUARY-2026

Plaintiffs:

1. Laxmi D/o. Yallappa Hatti @ Hatter,
Age: 06 years minor R/by her mother
plaintiff No.2.
2. Smt. Savita W/o. Yallappa Hatti @ Hatter,
Age: 24 years, Occ: Nil,
R/o: Sangankeri, Tq: Gokak.

V/s

Defendants:

1. Mahalinga S/o. Ramachandara Hatti @
Hatter, since deceased R/by his LRs
already his LRs are on record as plaintiffs
and defendants No.2 to 5.
2. Laxmibai @ Shivaleela W/o. Mahalinga Hatti
@ Hatter, Age: 38 years, Occ: Household,
R/o: Konnur, Tq: Gokak.
3. Ramachandra S/o. Mahalinga Hatti
@ Hatter, Age: 42 years, Occ: Engineer,
R/o: Konnur, Tq: Gokak.
4. Yallappa S/o. Mahalinga Hatti
@ Hatter, Age: 34 years, Occ: Army,
R/o: APTC (P.T) Mastar Hawaldar API
Patimanagar, Opp:Chrome Puna-22,
Maharashtra.

5. Smt. Ashwinig W/o. Ramachandra Hatti @ Hatter, age: 38 years, Occ: Household, R/o: Konnur, Tq: Gokak.

PARTIES TO I.A.No.XV U/o VI RULE 17 R/W SEC 151 OF CPC

Applicants: 1. Smt. Savita W/o. Yallappa Hatti @ Hatter and another

.....Plaintiffs/Applicants

Vs.

Opponents: 1. Mahalinga S/o. Ramachandra Hatti @ Hatter and others

.....Defendants/Opponent

ORDERS ON I.A.No.XV FILED U/o VI RULE 17 R/W SEC 151 OF CPC

The plaintiffs filed this present application U/o VI Rule 17 R/W Sec.151 of CPC at I.A.XV praying to permit them to amend the plaint as per the proposed amendment.

2. In the accompanying affidavit, the plaintiff No.2 contended that while preparing for hearing on preliminary issue it was noticed by them that in plaint prayer as well as in schedule-A annexed to the plaint their share was through oversight and by mistake wrongly typed as 2/9th instead of 2/3rd. The said mistake is a typographical mistake. If it is not rectified and

corrected by way of amendment then it will very difficult for her to execute the decree against the defendants. The amendment sought for does not change the nature on the suit and also it will not surprise the other side. The amendment sought for is a formal one and the said fact was came to her knowledge recently and there was no any willful delay or latches on her part in filing this application. If the application is not allowed, she will be put to irreparable loss or injury. If it is allowed no loss or hardship would be caused to the other side. Hence prayed to allow the application.

3. The defendants No.2 to 5 filed objections to this application by denying entire contention of the plaintiffs. Further they contended that out of the wedlock of the defendants No.1 and 2, three children were born who are defendants No.3 and 4 and one daughter by name Geeta. Hence the defendant No.4 is not entitled for $1/3^{\text{rd}}$ share in the suit schedule properties. On that count the plaintiffs alleged share will not come to $2/3^{\text{rd}}$ as such, the application is not maintainable one. They have seriously disputed the pecuniary jurisdiction to entertain this suit before this court. The alleged share of

plaintiffs is below Rs.5 lakhs. If the application is allowed it will affect their defense and they will be put to more loss and hardship which cannot be compensated in terms of money. If the application is dismissed the plaintiffs will not be put any loss or hardship. As such, prayed to dismiss the application.

4. Heard both side. Perused the application and records.
5. The points that arise for my consideration are as follows:

- 1. Whether plaintiffs have made out grounds to permit them to amend the plaint as per the proposed amendment?**

- 2. What order?**

6. My findings on the above Points are:

Point No.1:- In the Affirmative

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

REASONS

7. **Point No.1:-** When this matter is posted for hearing on preliminary issue i.e., the pecuniary jurisdiction of this court at that time the plaintiffs have filed this present application.
8. In the proposed amendment the plaintiffs are praying to delete 2/9th share from prayer-A 2nd line and also at schedule-A page No.2 annexed to the plaint in last sub para in 6 and 7th line the figure 2/9th is to be deleted in its place 2/3rd is to be inserted. The plaintiffs contended that due to oversight and by mistake their share is wrongly typed as 2/9th instead of 2/3rd. The said mistake is a typographical mistake and the said mistake is not rectified it will be very difficult for them to execute the decree.
9. The defendants No.2 to 5 contended that even the plaintiffs is permitted to amend the plaint, the plaintiffs will not get 2/3rd share as contended by the plaintiffs, as such the application is not maintainable and further they contended that they have seriously disputed with regard to the pecuniary jurisdiction of this court as the alleged share of the plaintiff comes below Rs.5 lakhs.
10. The plaintiff in the plaint stated that they are entitled for 2/9th share in the suit schedule properties. Now by way of

amendment they are deleting the 2/9th share and in its place prayed to insert 2/3rd share. The amendment sought by the plaintiffs does not change the nature of the suit or cause of the action and it will also not cause any loss hardship to the defendants.

11. The defendants No.2 to 5 contended that they have seriously disputed the pecuniary jurisdiction of this court in entertaining this suit as the share of the plaintiffs comes below Rs.5 lakhs. Whether the share of the plaintiffs comes below Rs.5 lakhs or not will be decided at the time of deciding the preliminary issue. By permitting the plaintiffs to amend the plaint as per the proposed amendment it will not cause any loss or injury to the other side. If the plaintiffs are not permitted the plaintiffs will be put to irreparable loss and injury. Hence, I am of the considered view that the plaintiffs have made out a grounds to amend the plaint as per the proposed amendment. Hence, **I answered the Point No.1 in the Affirmative.**

12. **Point No.2:-** For the aforesaid findings, I proceed to pass the following;

ORDER

The application filed by the plaintiffs
U/o VI Rule 17 R/W Sec.151 of CPC filed at
I.A.No.XV is hereby allowed.

The plaintiffs are directed to carryout
necessary amendment to the plaint and
furnish the amended plaint on the next
date of hearing.

Call on for furnishing the amended
plaint by 18.02.2026.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then
pronounced by me in the open Court on this the 10th day of February, 2026.)

(Umesh S. Atnure)
Prl. Senior Civil Judge Gokak.