

KABG510084142023



**IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.,
GOKAK.**

Present: Smt. Chaitra V. Kulkarni
B.A., L.L.B., L.L.M.
**Prl. Civil Judge & J.M.F.C.,
Gokak.**

Dated this the 23rd Day of July -2025

Original Suit No.603/2023

Plaintiffs: Sri. Hanamant S/o Lakkappa Kattikar and
Others,

-V/s-

Defendants: Smt. Mayawwa W/o Yallappa Kattikar and
Others,

RANK OF THE PARTIES ON IA No.III

Applicants: Sri. Hanamant S/o Lakkappa Kattikar and
Others,

-V/s-

Opponents: Smt. Mayawwa W/o Yallappa Kattikar and
Others,

ORDER ON IA No.3 FILED UNDER ORDER VI RULE 17**R/W.151 OF CPC**

The present application is filed by the plaintiffs and sought permission to amend the plaint as per the application schedule. In support of this application, the plaintiff No.1 has sworn an affidavit and averred that, they have filed suit for declaration and permanent injunction against the defendants and at the stage of evidence of the plaintiff, during preparation of evidence, they found that in the last line of prayer 'B' the negative relief has been sought, hence, now they intend to rectify the same by deleting the said negative relief and seek proper prayer. Hence the said mistake has been crept due to oversight but same is not intentional one. The proposed amendment will not change the nature and cause of action of the suit, hence sought to allow the application.

2. On the other hand, counsel for defendants have filed objections by denying averments of the affidavit and further contended that the application has been filed at belated stage and they have not properly explained cause for delay. Further if application will be allowed the defendants will be put into hardship. Hence on all these grounds sought to reject the application.

3. Heard both sides, perused materials available on record.

4. The following points would arise for this court consideration:

1. **Whether the plaintiffs have made out sufficient grounds to allow this application?**

2. **What Order?**

5. This court has answered the above points as under for the following reasons

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

Point No.2: as per final **Order** for the following;

::REASONS::

6. Point No.1: It should be noted that the present suit has been filed for the relief of declaration and permanent injunction. The present application is filed to correct the prayer in the plaint, yet trial has to be commenced. Further the proposed amendment does not go to the root of the case and it appears that, it is only to correct the relief, which has been sought in the negative form, which is not permissible under law. Under such circumstances it is just and necessary to permit the plaintiffs to amend the plaint and if same is not permitted then, it leads to multiplicity of proceedings and it causes ambiguity in the relief.

7. Further the proposed amendment will not change the nature of suit and cause of action and the objections contended by the defendants do not state, why the amendment should not be permitted, they have merely contended about delay in filing application. Hence, the plaintiffs have made out the grounds to allow the present application. Accordingly, Point No.1 is answered in the **Affirmative.**

8. Point No.2: For the above said reasons, this court pass the following:

ORDER

I.A. No.III filed by the plaintiffs
U/Order VI Rule 17 R/w 151 of CPC is
hereby “Allowed”. With cost of Rs.200/-.

Plaintiffs are permitted to amend
the plaint as sought for.

***Prl. Civil Judge & JMFC.,
Gokak.***