

KABK610003152026



O.S./37/2026

**IN THE COURT OF THE CIVIL JUDGE & JMFC,
BANAHATTI.**

PRESENT: Smt.SAUMYA HOOLI
B.A.,LL.B.
Civil Judge & JMFC.,
Banahatti

DATED: This the 16th day of June,2026.
O. S. No.37/2026

1. Shri. Channagiri S/o Vittal Dodamani
Age: 36 years, Occ: Soldier,
R/o Bisanal, Rabkavi-Banahatti, Dist: Bagalkot.

..... Plaintiff.

(By Sri.N.V.D., Advocate)

V/s.

1. The Government of Karnataka
Represented by Deputy Commissioner
Bagalkot and others.

..... Defendants.

(D-1 to 5 By learned AGP)
(D-6 Exparte)

I. A. No.I

1. Shri. Channagiri S/o Vittal Dodamani
R/o Bisanal, Rabkavi-Banahatti, Dist: Bagalkot.

..... Applicant/Plaintiff.**Vs.**

1. The Government of Karnataka
Represented by Deputy Commissioner
Bagalkot and others.

....Opponents/Defendants.

i.	Provision under which the application is filed	:	IA.No.I U/o.VI Rule 17 of CPC.
ii.	Relief sought for	:	For amendment of plaint as per proposed amendment.
iii.	The date on which the application is filed	:	10-06-2026
iv.	Number of the application	:	IA No.I
v.	The date on which the objection is filed by different opponents	:	12-06-2026
vi.	The date on which the order was passed on the said application	:	16-06-2026.

ORDER ON I.A No.I

The plaintiff has filed I.A.No.I U/O.VI Rule 17 of CPC seeking amendment of the plaint as per proposed amendment.

2. In support of above application, the plaintiff has sworn to an affidavit, wherein he mainly stated that, due to oversight in the cause title of defendant No.3 it is wrongly stated as Jamkhandi instead of Mudhol at the time of filing of the suit. The said mistake is not intentional. Hence he filed this application to correct the said place of defendant No.3 in the cause title. With this he prayed to allow above application.

3. On the contrary, learned AGP has filed objections to IA.No.I stating that, the plaintiff has deliberately mentioned the wrong place of defendant No.3 by suppressing the material facts. On these grounds, prayed to dismiss IA No.I.

4. Heard both sides. Perused the application, oral objection & all other materials placed on record. Upon going through the same, the points that would arise are as follows:

POINTS

1. Whether the plaintiff has made out grounds to allow application?
2. What order ?
- 5.** This court answers to above points as under:

Point No.1 : In the affirmative.

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

REASONS

6. Point No.1 : The plaintiff has filed this suit for the relief of declaration and mandatory injunction. In the above application, the plaintiff has stated that, due to oversight in the cause title of defendant No.3 it is wrongly stated as Jamkhandi instead of Mudhol at the time of filing of the suit. Hence he filed this application to correct the name of place of defendant No.3 appearing in the cause title of the plaint. It is to be noted that the written statement is yet to be filed and trial is not yet commenced. The provision of Order VI Rule 17 of CPC itself provides that any amendment before commencement of trial can be allowed and that criteria of due diligence is to be looked into after commencement of trial. As the amendment sought is clerical in nature and that by allowing the same no injustice would result to either side. Under such circumstances, this court is of opinion that, the proposed amendment is necessary for proper adjudication of the matter in dispute. Hence, this court is of opinion that, if above application is allowed, no harm or prejudice would be caused to the defendants. Accordingly point No.1 is answered in the affirmative.

7. Point No.2: In view of above findings, the court proceeds to pass the following:

ORDER

I.A.No.I filed U/o.VI Rule 17 of CPC by the plaintiff is hereby allowed.

The plaintiff shall make necessary amendment in the plaint in accordance with proposed amendment & furnish amended plaint.

Considering the parties in the suit, no cost is ordered.

*(Dictated to the Stenographer directly on computer and typed by him, and corrected, printout taken, signed by me and then pronounced in the open court on this the **16th day of June- 2026**)*

Sd/-
(SMT. SAUMYA HOOLI)
Civil Judge & JMFC.,
Banahatti.