

IN THE COURT OF ADDL. CIVIL JUDGE & JMFC,
AT: SHIDLAGHATTA.

Dated this the 07th day of July - 2025.

Present: Smt. Ranjitha S.,
M.SW., LL.B.,
Addl. Civil Judge & JMFC,
Shidlaghatta.

O.S. 438/2011

Plaintiff/s: Sri. Srinivasa Reddy.

V/s

Defendants: Smt. Mariyamma & Others.

PARTIES TO I.A. NO. 9

Applicant :- Sri. Srinivasa Reddy.

V/s

Opponents :- Smt. Mariyamma & Others.

ORDERS ON I.A. No. 9

The counsel for plaintiff has filed this instant application U/o. 6 Rule 17 R/w Sec. 151 seeking to proceed permission to amend the plaint as proposed amendment sought to know the real controversy between parties.

Proposed Amendment Sought For:

In plaint page no.2, Para No.2, Line No.12 after the word of

delete Rs. 1,33,000-00 and permit to add in that place Rs. 1,33,500-00.

2. The plaintiff sworn to an affidavit in support of the application where in he has stated that, on verification of contents of sale agreement dated: 05.11.2005 and plaint pleadings he came to know through his counsel the mistake caused in plaint pleadings i.e., consideration amount wrongly typed as Rs. 1,33,000/- instead of Rs. 1,33,500/-. This is purely typographical error and not intentional one and as such to correct the said mistake. The present amendment is clarificatory and explanatory in nature, due diligence and the said amendment is very much essential to clear the controversy between parties and the same will not change the nature of suit or cause of action. Hence, prays to allow the application.

3. On the other hand the counsel for the defendants has filed objection he has denied the contents of the sworn in support of the application is false. It is contended that, now the case is set out for cross-examination of DW-1. The plaintiff has stated that the said mistake is purely a typographical error. This suit is of the year 2011. The plaintiff has not taken any steps to rectify the said mistake even if it is happened or the past 12 years and no reasons were assigned to that effect for such inordinate delay. The plaintiff during the course of his cross-examination in the

year 2019 itself has specifically that the sale consideration was fixed at Rs. 1,33,500/-. The plaintiff has also filed an amendment application on 20.03.2023 and during the course of filing the said application also the plaintiff has not taken any steps to proposed amendment now sought by him in his application. Under these circumstances the application filed by the plaintiff is not maintainable. Hence, prays to reject the application with cost.

4. Heard the learned counsel appearing for the parties and perused the materials on records.

5. From the above material, the following points that arise for my consideration are as follows;

- i. Whether the plaintiff has made out a good ground to allowing the IA. No.9 and thereby permitting him to carried out the proposed amendment as sought for?
- ii. What order ?

6. My findings to above mentioned points are as under:

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

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

REASONS

7. **Point No.1**: Admitted the the suit is filed for specific performance in respect of the suit schedule property. This

case is posted for cross of DW-1, in this stage plaintiff has filed present application. The plaintiff delete Rs. 1,33,000/- and to add in that place Rs. 1,33,500/- in the plaint. The defendants denied the averments of the affidavit filed by the plaintiff in support of IA. No.9.

8. Under order 6 Rule 17 of CPC as follows; “Amendment of pleadings, the court may at any stage of the pleadings allow either party to alter or amend his pleadings in such manner and on such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties”.

9. Provided that, no application for amendment shall be allowed after trial as commenced, under the court come to the conclusion that in spite of due diligence the party could not have raised the matter before the commencement of trial.

10. Now the case is posted for cross of DW-1. In this case the even though the trial has commenced,. In sale agreement dated: 05.11.2005 and consideratin amount wrongly typed as Rs. 1,33,000/- instead of Rs. 1,33,500/- in plaint pleadings. This is purely typhographical error and not intentional one and as such to correct the said mistake. If this application is allowed not change the nature of suit or cause of action. For just and complete adjudication of the

case amendment is very neccessary. The IA. No.9 filed by the plaintiff is deserve to be allowed. Hence, Answer the **Point No.1 in the Affirmative.**

11. **Point No.2:** In view of the above discussions and also on answer given to point no.1. this court proceed to pass the following;

ORDER

The IA. No. 9 filed by the plaintiff U/o 6 Rule 17 R/w Sec. 151 of CPC is hereby allowed with cost of Rs. 3,000/-.

(Directly dictated to the **Stenographer Grade-III** on computer, transcribed by her, corrected and initialed by me and then pronounced in the Open Court on this day the **07th July - 2025**)

(Ranjitha S.,)
Addl. Civil Judge and JMFC,
Shidlaghatta.

*Order pronounced in open court
(Vide separate sheet)*

ORDER

The IA. No. 9 filed by the plaintiff U/o 6 Rule 17 R/w Sec. 151 of CPC is hereby allowed with cost of Rs. 3,000/-.

For amendment carried out and amended plaint.

Call on by: 21.07.2025.

07.07.2025.
Addl. Civil Judge and JMFC,
Shidlaghatta.