

KACM200000152016



IN THE COURT OF SENIOR CIVIL JUDGE,
AT: KADUR

Present:- Sri. IRFAN.
B.A., LL.B.,
Senior Civil Judge & JMFC,
Kadur, Chikkamagaluru District.

Dated: this the 20th day of February – 2026.

O.S.No.4/2016.

Plaintiff: : Sri. Nataraj K.A.,
[By: Smt. M.K.M., Advocate]

V/s

Defendants: : Smt. Hamsarathna K.K. & others.

[Defendants No.1 to 9, 11, 15 and 16 by: Sri. D.N.P.,
Advocate]

[Defendants No.10(b) and (c) – Exparte]

[Defendants No.12(a) to (c) by: Sri. S.C.N., Advocate]

[Defendants No.13(a) to (c) by: Sri. S.N.G., Advocate]

[Defendant No.14 by: Sri. K.A., Advocate]



RANK OF THE PARTIES ON I.A.NO. 24.

Applicant/
Defendant No.14 : Sri. Varadaraja Guptha.

V/s

Opponent/
Plaintiff : Sri. K.A. Nataraja.

i	<i>Provision under which the application is filed</i>	<i>U/O VI Rule 17 R/w Sec. 151 of CPC</i>
ii	<i>Relief sought for</i>	<i>Amend the Written Statement.</i>
iii	<i>The date on which the application is filed</i>	<i>12.12.2025.</i>
iv	<i>Number of the application</i>	<i>24</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>05.01.2026.</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>20.02.2026.</i>

When the case is posted for further evidence of defendants, the 14th defendant has filed this application.

ORDERS ON I.A.24

This application has been filed by the defendant No.14, U/O VI Rule 17 R/w Sec.151 of CPC seeking for the insertion of additional pleadings in his written statement, in the interest of justice and equity.



2. This IA is supported by an affidavit filed by the defendant No.14. The gist of the application averments is that the plaintiff has filed this suit against him and other defendants for the relief of partition and separate possession and such other reliefs. On 18.07.2016, he has filed written statement and thereafter, the 13th defendant filed his written statement by stating / claiming counter claim. Thereafter, he has filed written statement U/O 8 Rule 9 of CPC on 02.07.2018. The plaintiff has made some amendment in his plaint. On 15.12.2021, he has filed additional written statement. The defendant No.14 further contended that at the time of filing of his written statement dated 02.07.2018 and 15.12.2021, due to typing mistake and by oversight, it is wrongly typed as 'Shamanna' instead of 'K.T. Ramanna'. The said mistake is recently noticed his counsel. The proposed amendment is very necessary for the proper adjudication of the case. The proposed amendment will not change the nature of suit. Accordingly, sought to allow the application.



3. The plaintiff resisted the said application by contending that the application is not maintainable either in law or on facts. The 14th defendant has sworn to false affidavit in order to drag the proceedings of the case and to harass the plaintiff. The application is not comes within the parameter of Order VI Rule 17 of CPC. As per law, amendment application is not permitted after evidence. It is submitted that after commencement of evidence, if the amendment application allowed, it will collapsed entire evidence. The defendant No.14 filed an IA for amendment of written statement dated 02.07.2018 and 15.12.2021, which is after lapse of 07 years and 04 years respectively. As such, the application filed by the defendant No.14 is belated one and barred by law. PW-1 and DW-1 were fully cross-examined by the counsel of defendant No.14 and at the time of cross-examination, the counsel for defendant No.14 specifically suggested the name of Shamanna, but not K.T. Ramanna and hence, the application is not maintainable. The plaintiffs have filed application for amendment, subsequent to the commencement of trial.



Hence, the application is not sustainable in law. If the application is rejected, no injuries or inconvenience is cause to the defendant No.14. Accordingly, sought to dismiss the application.

4. Heard both side.

5. The following points that arise for consideration are;

1. Whether proposed amendment to written statements filed by the 14th defendant 02.07.2018 and 15.12.2021 are necessary for effective adjudication of the matter in controversy?

2. What order?

6. Answers to the above 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 :-** The present suit is one for the relief of partition and separate possession with respect to the suit schedule properties. It is a matter of record that when the matter was posted for further evidence on behalf of 14th defendant, this application came to be filed seeking for the rectification of name from Shamanna to K.T. Ramanna in the written-statements filed by the 14th defendant dated 02.07.2018 and 15.12.2021. In support of his contention, the 14th defendant has also filed a photo-stat copy of the registered sale deed dated 02.05.1977, wherein, it is apparent that the correct name is 'K.T. Ramanna', but not Shamanna. It is the objection of the plaintiff that during the course of cross-examination, the aforesaid person has been referred as Shamanna only and it leads to confusion. It is also asserted that the present application at this stage is no maintainable. The proposed amendment, which is sought is on the basis of clerical error and same is also supported by documentary evidence and in consideration of the said aspect, irrespective of the stage, it is found necessary to



permit the 14th defendant to rectify the said mistake by way of amendment as sought under this application. The delay cause may be compensated in terms of money. No harm or prejudice will be caused to the plaintiff if this application is allowed. Accordingly, **the point under consideration is answered in the affirmative.**

8. **Point No.2** :- In view of the discussion in the foregoing point, the following;

ORDER

I.A.No.24 filed by the
applicant / 14th defendant,
U/O VI Rule 17 R/w Sec.151
of CPC is allowed with costs
of Rs.1,000/-.

For amendment:
27.02.2026.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 20th day of February, 2026)

Sd/-
(IRFAN)
Senior Civil Judge,
Kadur.