

KACM200005462016



**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 22<sup>nd</sup> day of July - 2025

**O.S. No. 41/2016**

**Plaintiffs :** Sri. Vijayakumar & others.  
(By: Sri. D.C., Advocate)

**-V/s-**

**Defendants:** Sri. R.K. Vinayababu & others.  
(Defendant No.1 by: Sri. K.S.R., Advocate)  
(Defendants No.2 to 4 by: Sri. K.V.M., Advocate)

**RANK OF THE PARTIES ON I.A.NO.15**

Applicants/  
Defendant No.2 to 4 : Sri. K.N. Veerannaguptha &  
others.  
V/s  
Opponents/  
Plaintiffs : Sri. Vijayakumar & others.



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>15.04.2025.</i>
iv	<i>Number of the application</i>	<i>15</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>29.04.2025.</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>22.07.2025.</i>

*When the case is posted for evidence of defendants No.2 to 4, the defendants No.2 to 4 have filed this application.*

### **ORDERS ON I.A.15**

This interim application has been filed by the defendants No.2 to 4 U/O VI Rule 17 R/w Sec.151 of CPC seeking for the insertion of application schedule amendment in their written statement.

2. This application is accompanied by an affidavit filed by the 3<sup>rd</sup> defendant himself and on behalf of defendants No.2 and 4. In the application it is contended that they have purchased the vacant site property bearing Municipal Assessment No.(Old No.791/1899) New No.1977/3, 1914/3, measuring 272 + 198/2 X 280 feet situated beside K.M. Road, Kadur Town through a registered sale deed dated 18.02.2016 from L.C. Ravindrakumar and his son – R.K. Vinay



Babu, but by oversight and typing mistake the measurement of site property wrongly typed as 272 + 198/2X288 feet instead of 272+198/2X280 feet and also the said date was wrongly mentioned in their written statement as 08.02.2016 instead of 18.02.2016. In spite of due diligence, the said mistake was not came to their knowledge before commencement of trial and recently they came to know the said mistakes and it is just and necessary to prove their defence. The proposed amendment does not change the nature of defence. The said mistake is a bonafide one and not with malafide intention at all. If the application is allowed, there is no injury to the plaintiff. Accordingly, sought to allow the application.

3. The counsel for the plaintiff has filed objections and contended that the application is filed by the defendants No.2 to 4 after completion evidence of plaintiff and after the chief and cross-examination of DW-1, the statute clearly says that after the commencement of evidence, the amendment application is not entertain-able under law. The applicants have not produced any original documents to believe and the said application is filed only for drag



on the proceedings and cause delay in proceedings. The applicant has sworn the false affidavit in order to file this application. The applicants have not made out any truthful facts to believe their contention. Hence, prays to dismiss the application.

4. Heard both side. Perused the case records.

5. The following points that arise for consideration are;

1. Whether the proposed amendment is necessary for determining the real dispute in controversy between the parties?

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 specific performance of contract based on sale agreement dated 10.07.2013. Under the proposed



amendment, the defendants No.2 to 4 sought to rectify the site property number as 272 + 198/2X288 feet instead of 272+198/2X280 feet and also the date of sale deed dated as 08.02.2016 instead of 18.02.2016 in their written statement. The aforesaid contentions are also supported by documentary evidence. Considering the same, this court is of the opinion that the proposed amendment will not change the nature of defence or take away any specific admission in the written statement and the amendment is necessary in order to adjudicate the real controversy between the parties. The delay caused may be compensated in terms of money. 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.15 filed by the applicants / defendants No.2 to 4, under Order VI Rule 17 R/w Sec.151 of CPC is allowed with costs of Rs.1,000/-.



The defendants No.2 to 4  
are permitted to carryout  
application schedule  
amendment in their written  
statement as prayed.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by  
me in open Court on this the 22<sup>nd</sup> day of July, 2025)

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