



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C  
N.R.PURA, ITINERATE AT KOPPA**

**Present:** Sri. Raghunatha Gowda K.T., B.Com.,L.L.B,  
Senior Civil Judge & J.M.F.C., N.R.Pura, Itinerate at Koppa

**Dated this the 14<sup>th</sup> day of August, 2025**

**O.S. No.8/2022**

PLAINTIFF : Dr. Nataraj R. Rao,  
S/o Late K. Ramesh Rao,  
aged about 51 years,  
R/o Adarsha Hospital,  
Ambedkar Road,  
Koppa Town, Koppa Taluk,  
Chikkamagaluru District.

(By Sri. B.V.K., Advocate)

V/s-

DEFENDANT : Meega Chandrashekar,  
S/o Late Manjappa Hegde,  
Advocate, aged about 76 years,  
Meega House, T.M. Road,  
Koppa Town, Koppa Taluk,  
Chikkamagaluru District.

(Represented by By Sri. M.H.N./S.P.D., Advocate)



**I.A. No.XVII**

Applicant/defendant : Meega Chandrashekar

V/s

Opponent/plaintiff : Dr. Nataraj R. Rao

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**ORDER ON I.A. No.XVII**

When the matter posted for further defendant evidence at this stage the present application is filed by the defendant under order VI Rule 17 R/w. Sec.151 of C.P.C. to amend the written statement and inserted the proposed amendment as under: **In paragraph No.31 page No.7 and in 7<sup>th</sup> line after the word the plaintiff has “not” may be inserted and allow the application in the interest of justice.**

2. In support of this application the defendant filed his affidavit, contended that In paragraph No.31 page No.7 and in 7<sup>th</sup> line after the word the plaintiff has “not” may be inserted due to typographical mistake over sight the word “not” has been omitted and the said mistake due to typographical mistake and oversight the said omission is



very much knowable from reading the entire paragraph No.31 in entirety, on perusal of the entire cross-examination of PW1 it goes to establish that the plaintiff has never been in possession of the suit property. Further he contended that the prosecution is allowed no loss or hardship was caused to the other side. Hence he prays to allow this application.

3. Per contra the plaintiff counsel filed objection to the said application contended that the application filed by the defendant is not maintainable either in law or facts. Further he contended that if the amendment sought by the defendant is allowed the root of the defence will be changed and there is no typographical mistake in the written statement to omit the word not. Further he contended that if the amendment application is allowed the nature of the defence will be changed and the proposed amendment seeks to alter a categorical admission which is not permissible under law. Further he contended that in order to fill the gaps in the evidence the present application is filed and there is no due diligence on the part of the defendants. Hence he prays to reject the said application.



4. Heard the arguments of both side and perused the records.

5. The following points arise for my consideration.

1. Whether the amendment sought by the defendant in the written statement is requires for adjudication?
2. What order?

6. My answer to the above points is as follows:

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

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

### **REASONS**

7. **Point No.1:** On perusal of the records the plaintiff filed the suit against defendant for the relief of specific performance of contract and also seeking alternative relief of refund of earnest amount of Rs, 15,00,000/- with interest at the rate of 18% p.a. Now the matter posted for receiving the commissioner report at this stage the defendant counsel filed this application to amend the written statement as stated in



the earlier paragraphs of this order.

8. On perusal of the entire records on 25.08.2022 the defendant filed the written statement, on 12.01.2023 this court frame the issue after completion of plaintiff and defendant evidence the present application is filed by the defendant to amend the written statement. Further the amendment sought by the defendant is allowed completely change the nature of the defence and to withdraw the admission in the written statement and the said amendment is not permissible under law. Further the several judgment of the Hon'ble Apex Court the High Court clearly held that if the amendment application is allowed the Court should consider that the prejudice will be caused on whom and the defendant in spite of due deligence could not raised the amendment before the commencement of trial. Further if the amendment application is allowed, it will cause prejudice to the plaintiff and it will cannot be compensated in terms of money. Further there is no bonafide reason to earlier file this application before commencement of trial and the reason stated in the affidavit of the defendant is not satisfied. Hence



I answer the point No.1 in the Negative.

9. **Point No.2:** For the above discussion I, proceed to pass the following order;

**ORDER**

The I.A. No.XVII filed by the defendant under order VI Rule 17 R/w. Section 151 of CPC is hereby rejected.

No order as to cost.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in open court on this **14<sup>th</sup> day of August, 2025**)

Sd/-  
(Raghunatha Gowda K.T.)  
Senior Civil Judge & JMFC.,  
N.R.Pura, Itinerate at Koppa.