

KACN020023402022



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND C.J.M.,
AT CHAMARAJANAGAR.**

DATED THIS THE 16th DAY OF OCTOBER, 2025

Present

Sri. PRAKASH C.D, B.A. LL.B
SENIOR CIVIL JUDGE & C.J.M,
CHAMARAJANAGAR.

OS 193/2022

Plaintiff : Dundamma

Vs

Defendants : Siddaraju and others

I.A No. IA No. II

Applicant : Shivappa
(GPA holder
of Plaintiff)

(By Sri.A.S.S.R. Adv.,)

V/s

Opponents : Siddaraju and others
(Defendants)

(By Sri.R.P.S. Adv.,)

i.	Provision under which the application is filed	U/O VI Rule 17 of CPC
ii.	Relief sought for	Amendment
iii.	The date on which the application is filed	25.02.2025
iv.	Number of the application	II
v.	The date on Which the objection filed by defendants.	15.07.2025
vi.	The date on which the Orders were passed on the said application	16.10.2025

ORDERS ON IA-II

The plaintiff has filed IA-II U/O 6 Rule 17 of CPC seeking permission to amend the plaint.

Amendment sought for :- In the schedule of the plaint after the ward East by Lands bearing Sy No.95/1, 95/3 and 95/4 are to be amended and instead of that Sy No.56/1, 56/3 and 56/4 is to be inserted.

2. The applicant in his affidavit stated that.-

The plaintiff have filed this suit against the defendants seeking partition and separate possession of the suit schedule property. During the preparation of the plaint, by oversight, the eastern boundary of the suit schedule property was wrongly typed as Survey Nos. 95/1, 95/3, and 95/4 instead of the correct Survey Nos. 56/1, 56/3, and 56/4. Hence, this application is filed to rectify the said typographical error. The proposed amendment

is purely clerical and factual, and does not in any way alter the nature of the suit or its cause of action. If the application is not allowed, he will be put to great hardship and injustice. On the other hand, if the application is allowed, no hardship will be caused to the other side. Hence he prays to allow the application.

3. The defendants filed an objection stating that,

This application is not maintainable either in law or on facts and is liable to be dismissed in limine. The plaintiff, having had complete knowledge of the suit schedule property at the time of filing the suit, has now filed this amendment application only to overcome his own negligence. From the proposed amendment, it appears that the plaintiff's possession and ownership over the suit property are doubtful. The inconsistency between the original and proposed survey numbers raises questions about the genuineness of the claim. The plaintiff has not produced any documentary evidence before this Hon'ble Court to substantiate the claim that the correct survey numbers are 56/1, 56/3, and 56/4. The defendants further contended that the plaintiff has filed this application with a malafide intention to harass the defendants and cause them unnecessary hardship. The affidavit filed in support of the application contains false and fabricated

statements. No supporting documents have been produced as mentioned in paragraph 3 of the affidavit. Therefore, the affidavit is not trustworthy and the application is liable to be rejected with costs. Hence, the defendants prays to dismiss the application.

4. Heard the arguments both sides that the points that arise for my consideration;

5. The point that arise for the my consideration are

1. Whether the plaintiff has made out a ground for allowing the amendment of application ?
2. What order?

6. My finding on the above points as follows:-

Point No.1:- Affirmative.

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

REASONS

7. POINT NO.1:- It is evident that the amendment sought pertains only to the correction of the eastern boundary of the suit schedule property and does not change the nature or character of the suit. The error appears to be a typographical mistake occurring at the time of drafting the plaint. The correction is necessary for the proper adjudication of the dispute and to avoid future complications with respect to the identification of the property. The defendants will not be prejudiced in any manner if

the amendment is permitted, as it does not introduce a new cause of action. Hence, this court answer Point No.1 in the **Affirmative**.

8. Point No.2:- For the above said reasons and discussion, I proceed to pass the following;-

ORDER

IA-II filed by the plaintiff under Order VI Rule 17 of CPC is hereby allowed on cost of Rs.500/-.

Plaintiff is permitted to amend the plaint
by 18.11.2025

*(Dictated to the Stenographer and transcribed and typed by him, revised corrected and then pronounced by me in the open court, on this the **16th day of October - 2025**)*

(PRAKASH.C.D)

Senior Civil Judge and CJM.,
Chamarajanagar.