

KACN320036052024



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,**  
**AT KOLLEGALA**

**PRESENT : SRI. M. RANJITH KUMAR** B.A,L' L.L.B.  
**I Addl. Civil Judge & JMFC., Kollegala.**

**Dated on this the 05<sup>th</sup> day of January 2026**

**O.S. NO 274/2024**

Plaintiff : Sri. Shivanna Thambadi

**Versus**

Defendant : The Secretary,  
Male Mahadeshwara Temple.

**INTERIM APPLICATION NO-II**

Applicants/ : Sri. Shivanna Thambadi  
(Plaintiff)

**Versus**

Opponents : The Secretary,  
(Defendant) Male Mahadeshwara Temple.

|      |                                                                       |                                               |
|------|-----------------------------------------------------------------------|-----------------------------------------------|
| i.   | Provision under which the application is filed                        | Under Order VI Rule 17 R/w Section 151 of CPC |
| ii.  | Relief sought for                                                     | Amendment of plaint                           |
| iii. | The date on which the application is filed                            | 28.02.2025                                    |
| iv.  | Number of the application                                             | II                                            |
| v.   | The date on which the objections are filed by the different opponents | Not Filed                                     |
| Vi.  | The date on which the orders were passed on the said application      | 05.01.2026                                    |

### **ORDER ON IA No-II**

1) The plaintiff has filed present application under Order VI Rule 17 R/w 151 of Code of Civil Procedure, seeking amendment of plaint for insertion of the words '3 years' instead of '1 year' at para No.2 and at prayer column. It is the contention of the plaintiff that, the plaintiff's family has got right to conduct Pooja at Male Mahadeshwara Temple and in the memo vide which they have got right to conduct Pooja they are granted permission to conduct Pooja 1 month in every 3 years, but by oversight in the plaint, it is mentioned as 1

month in every 1 year and the proposed amendment is clerical in nature.

**2)** The defendant in spite of grant of sufficient opportunities failed to file objection to IA No.II. Hence objections of defendant on IA No-II was taken as nil.

**3)** Heard Learned counsel for plaintiff and defendant. Perused materials on record. Accordingly the following are the points for consideration of this case.

1. *Whether the proposed amendment is proper and necessary for complete adjudication of case on hand?*
2. *What Order?*

**4)** For the foregoing reasons this court answers the above points for consideration as hereunder:

**Point No.1 – In the Affirmative.**

**Point No.2 – As per the final order.**

**REASONS****5) POINT NO.1 :**

The present case is filed by the plaintiff for the relief of mandatory injunction directing the defendant authority to permit plaintiff to conduct Pooja at Male Mahadeshwara Temple for 1 month in every 3 years, wherein the plaintiff has filed the present application seeking amendment of plaint. It is the contention of the plaintiff that the plaintiff's family is granted with a right to conduct Pooja at Male Mahadeshwara Temple for 1 month in every 3 years by memo issued by the authority. But by oversight in the plaint, the period for Pooja i.e., 3 years is mentioned as 1 year.

**6)** On perusal of the materials on record it could be observed that, as per the memo dated 08.06.2010 the plaintiffs' family prima-facie appears to have got right to conduct Pooja in the Male Mahadeshwara Temple for 1 month in every 3 years. But as stated by the plaintiff, in the plaint it is stated as 1 month for every 1 year, which on the face of it appears to be clerical error in nature. Thus this court is of the

opinion that, the proposed amendment is proper and necessary for complete adjudication of the case on hand.

Accordingly this court answers **Point No.1 In the Affirmative.**

**7) POINT NO.2:**For the reasons stated above this court proceeds to pass the following order.

**:- ORDER:-**

IA No-II filed by the plaintiff under Order VI Rule 17 is hereby allowed.

The plaintiff is permitted to amend the plaint as sought in IA No-II.

The plaintiff shall amend the plaint and file amended plaint.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 05<sup>th</sup> day of January 2026).

**(M.RANJITH KUMAR)**  
I Addl.Civil Judge & JMFC.,  
Kollegala.