

**IN THE COURT OF THE IADDL CIVIL JUDGE &
JMFC, CHANNAGIRI.**

Dated: 08th Day of September 2025

PRESENT: **SMT. MAHALAKSHMI G M.A. L.L.B.,**

I Addl Civil Judge & JMFC, Channagiri.

OS No.20/2019

BETWEEN :

G.B.Varsha

...Plaintiff

AND

The Chief Secretary,
Government of Karnataka & others

...Defendants

I.A. No.II

BETWEEN :

G.B.Varsha

... Applicant

AND

The Chief Secretary,
Government of Karnataka & others

... Opponents

1.	Provision under which the application is filed:	:	U/o 6 rule 17 of CPC
2.	Relief sought for	:	Amendment in plaint
3.	Date on which the application is filed	:	07-10-2023
4.	Number of the application	:	IA.No.II
5.	Date on which the objections are filed by different opponents:	:	23-11-2023

6.	The date on which the orders is passed:	08-09-2025
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Date: 08-09-2025
Place: Channagiri.

(Smt.Mahalakshmi G)
I Addl Civil Judge And Jmfc.,
Channagiri.

ORDERS ON No.II

When the case is posted for further cross of PW-1 the present application filed by the plaintiff seeking the amendment in the plaint as sought in the application.

2. In support of the application the plaintiff sworn an affidavit stating that, she filed the present suit against the defendants seeking the rectification of her father's name in her educational records as 'Basavanagowda' by deleting the 'G. B. Basavaraj'. Due to typographical error in the plaint page No. 2 at para No. 2 it is wrongly averred as follows,

“ಈ ದಾವೆಯ ವಾದಿಗೆ ಅವರ ತಂದೆಯವರು ಕರೆಯುವ ಹೆಸರು ತಿಪ್ಪೇಸ್ವಾಮಿ ಕೆ.ಎಸ್. ಅಲ್ಲದೇ ವಾದಿಯ ಜನನದ ಸಮಯದಲ್ಲಿ ನಾಮಕರಣ ಮಾಡಿದ ಹೆಸರು ಸಮರ್ಥ ಜೈರಾಮ್ ಎಂಬುದಾಗಿ ಇದ್ದು ಸದರಿ ಈ ಎರಡು ಹೆಸರುಗಳು ರೂಢಿಯಲ್ಲಿರುವ ಹೆಸರು ಗಳಾಗಿರುತ್ತವೆ.”

3. The said mistake crept in the plaint due to oversight and clerical error. Thus, prays to delete the said averment of the plaint para No.2. If this application is allowed no hardship would cause to the other side, if not she will be put into injustice and thus prays to allow the application.

4. The learned AGP filed statement of objection stating that present application is not maintainable under law, as the plaintiff herself stated her father name as 'Basavanagowda' instead of 'G.B.Basavaraj'. Thus, this court has no jurisdiction to pass decree of declaration. Moreover, the plaintiff sought the relief of declaration in her School records with respect to her father name 'Basavanagowda' by deleting 'G.B.Basavaraj' in her educational records. But there is no any document to that effect. Thus the plaintiff is not entitled for any of the relief sought in the application. Thus prays to dismiss the application.

5. Heard on I.A.No. 2 from both sides.

6. Based on the averments of the affidavit raised by the plaintiff as well statement of objection, the following points arises for determination.

POINTS

1. Whether the plaintiff made out grounds to allow the IA No.II as prayed for?

2. Whether the proposed amendment is necessary for proper adjudication of the matter?

3. What order?

7. My Answers to the above points are as follows:-

Point no.1 & 2: In the Affirmative

Point No.3:As for final order

REASONS

8. Point No. 1 & 2 : Admittedly present application filed by the plaintiff seeking deletion of the plaint Para No.2 when the case is posted for further cross of PW-1. However the plaintiff in her affidavit averred that her father correct name is 'Basavanagowda'. But in her educational records it was wrongly mentioned as 'G.B.Basavaraj'. Wherein while preparing the plaint by her counsel para No.2 of the plaint averments remained due to oversight, which is not pertaining to her case and the same are irrelevant to the facts of the case. The said mistake is bonafide one. Thus, prays permission of the court to delete the said entries in plaint para 2.

9. Based on the rival pleadings this court framed the issues on 04-12-2019 and trial was commenced on 03-01-2020. When the case is posted for further cross of PW- 1 the present application preferred by the plaintiff. The learned AGP also filed statement of objection .

10. Before considering the application at hand, I would like to relay upon the judgment passed in **Vakkalagadda Venkata Sivayya vs Tummala Sujatha** on **22 February, 2022 in Civil Revision Petition No.2641 of 2019** wherein at para No.18 is extracted as it is for better understanding:

18. Be that as it may, as rightly and fairly conceded, the question whether or not the plaintiff would be entitled to the relief claimed and other allied questions cannot be prejudged while considering an application, which is filed for amendment of the plaint. The amendment is sought based on an event subsequent to the institution of the suit. Even assuming for a moment that the plaintiff ought to have sought the amendment of the plaint much earlier and not belatedly, what is to be noted is that the proposed amendment is being sought on the basis of events, which occasioned subsequent to the institution of the suit. Therefore, according to the plaintiff, the defendants are responsible for the events and but for their conduct, the plaintiff has no other option, except to seek the present reliefs. Even as per the precedential guidance of the Supreme Court, an amendment can be permitted, if it is intended to determine the real question in controversy and that all amendments which are necessary for the purpose of determining real questions of controversy between the parties, shall be allowed, if such

amendments sought for do not change the basic nature of the suit. A change in the nature of relief claimed shall not be considered as a change in the nature of the suit. Or else, in no case of suit for one relief such as permanent injunction , amendment can be permitted to alter relief to grant declaration of title, recovery of possession etc. The power of amendment should be exercised in the larger interests of doing full and complete justice between the parties and all amendments, which are necessary for the purpose of determining the real question in controversy, should be allowed. Further, if the granting of amendment really sub-serves the ultimate cause of justice and avoids further litigation, the same should be allowed. The Court has also to consider whether the proposed amendment is intended to determine the real dispute between the parties. The law is well settled that all amendments ought to be allowed which satisfy the two conditions:

- (a) of not working injustice to the other side, and**
- (b) of being necessary for the purpose**

of determining the real questions in controversy between the parties. If the amendment as proposed is allowed, no right accrued to the defendant would get defeated as the said defendants are denying the possession of the plaintiff and are contending that they are in possession of the property which was earlier in their occupation. Further, as the refusal of the request seeking amendment does not preclude the plaintiff from instituting a fresh suit, the refusal of the request leads to multiplicity of the litigation. In the well-considered view of this Court, if the amendment is permitted, the amendment which is based on events subsequent to the institution of the suit, though sought belatedly, also helps in avoiding the multiplicity of the proceedings and in setting at rest the dispute between the parties. Therefore, for all the aforesaid reasons, granting of amendment of the plaint really sub-serves the ultimate cause of justice and avoids further litigation and therefore, the amendment sought for by the plaintiff deserves to be allowed.

11. In the case on hand also, the trial is not yet concluded and the facts of the present case are pertaining to the declaration and rectification of the educational records pertaining to the plaintiff with regard to her father name is concerned. Wherein she herself stated in her affidavit that the averment of plaint para no.2 crept by over site and mistakenly, which are not relevant to the present case. Hence, the said amendment to be allowed to adjudicate the matter effectively is necessary.

12. If this application is allowed certainly no prejudice will cause to the other side. The contention raised by the learned AGP in her statement of objection can be considered along with merits of the main suit. Keeping in the mind as per observation made by the Hon'ble High Court of Karnataka and Hon'ble Apex court in catena of decisions this court answered Point No. **1 and 2 in the Affirmative.**

13. **Point No.3:-** In view of discussion and conclusion arrived at point No.1 and 2, this court proceed to pass the following:

ORDER

**I.A. No.II filed by the plaintiff Under
Order 6 rule 17 of CPC., is hereby allowed
with cost.**

Consequently, the plaintiff is hereby

**permitted to delete plaint para 2 at page
No.2 .**

**To carry out amendment and to
furnish amended plaint.**

(Dictated to the Stenographer, transcribed and computerized by him, script corrected and then pronounced by me in Open court on this 8th September 2025)

**Date: 08.09.2025
Place: Channagiri.**

**(Smt.Mahalakshmi G)
I Addl. Civil Judge And JMFC,
Channagiri.**