

ORDERS ON No. II

This is an application filed by the plaintiff when the case is posted for first day of exparte hearing on I.A No.1 seeking amendment in the plaint as mentioned in the application.

2. In support of the application, the plaintiff sworn an affidavit and stated that, he has filed the present application for amendment of plaint. At the time of institution of the suit in the schedule the land which is in his possession is part and parcel of land bearing Sy.No.40/1 at present the land of the applicant is renumbered as Sy.No.40/22. Due to typographical error in the plaint schedule it was wrongly mentioned as survey number 40/1 which ought to be mentioned as Sy.No.40/22. The said amendment is necessary to establish his case.. If this application allowed no in justice would cause to the other side and same is not change the nature of the suit. If not allowed it will cause great hardship, inconvenience to him. Thus prays to allow the application.

3. Heard from plaintiffs side.

4. The points that would arise for my consideration is as follows:-

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?**

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

Point no.1: In the Affirmative

Point no.2: In the Affirmative

Point No.3: As for final order

REASONS

7. POINT NO.1 and 2: The plaintiff has filed the present suit seeking the relief of permanent injunction with respect to suit schedule property against the defendants. When the case is made over to this court after the institution of the case the learned counsel for plaintiff appeared and preferred the instant application seeking amendment in the plaint as sought in the application. However, in the present case still suit summons as well emergent notice on I.A No.1 not issued by the court to the other side. Hence, it is necessary to give opportunity to the plaintiff to place his case in the fullest manner. Moreover, the plaintiff is master of his case and he is dominant litus. At this stage proposed amendment is very much necessary to complete adjudication of the matter between the parties. Thus, the I.A No.2 is deserves to be allowed in order to avoid further litigation and to adjudicate the matter between the parties effectively.

8.The Hon'ble Apex Court and High Court laid down direction in ample number of cases regarding amendment in pleadings to be considered

liberally before commencement of trial and it is settled law in position. Where the amendment is sought before commencement of trial. The court is required to be very liberal in its approach. The court is required to bear in mind the fact that the opposite party which has a chance to meet the case set up in amendment. Equally where the amendment is necessary for the court to effectively adjudicate of the main issues in controversy between the parties. The amendment should be allowed to avoid multiplicity of proceedings. The defendants also have an opportunity to file amended written statement and cross the witnesses to prove their contentions. The alleged amendment will not change the nature of suit and cause of action.

9. Accordingly, this court is of the opinion that, the proposed amendment is very much necessary for adjudication of the matter and no injustice will be caused to other side. Accordingly, the **point No.1 and 2** under reference are answered in the **Affirmative**.

10. **Point No.2:-** In the result, I proceed to pass the following;

ORDER

**I A. No.II filed by the plaintiff under
order 6 rule 17 of CPC is hereby allowed.**

**The Plaintiff is hereby directed to carry
out amendment as mentioned in the
application schedule and to produce
amended plaint.**

Call on.20.01.2026

**(Smt Mahalakshmi G)
I Addl Civil Judge & J.M.F.C.,**

Channagiri.