

KADG520000172023



THE COURT OF THE PRL.CIVIL JUDGE, AND JUDICIAL MAGISTRATE
FIRST CLASS AT HONNALI

PRESENT : Sri. Devadas H., B.A., LL.B
Prl.Civil Judge & JMFC, Honnali.

Dated this the 9th Day of October 2025

O.S.No.5/2023

PLAINTIFF : Anjanappa

V/s

DEFENDANTS : Smt. Kariyamma & others

IA No-VI

Applicants/ : Smt. Kariyamma & others
Defendants

V/s

Opponent/ : Anjanappa
Plaintiff

* * * *

ORDER ON I.A. No.VI

The defendants have filed the present application on 18.09.2025 when the matter is posted for further cross of DW1.

The defendants have filed present application under Order VI Rule 17 R/w Section 151 of CPC., seeking for amendment of written statement as under :-

Proposed amendment :-

ಪ್ರತಿವಾದ ಪತ್ರದ 11 ನೇ ಖಂಡಿಕೆಯ 6 ನೇ ಸಾಲಿನ ಕೊನೆಯಲ್ಲಿ "1 ನೇ ವಾದಿ" ಎನ್ನುವುದನ್ನು "1 ನೇ ಪ್ರತಿವಾದಿ" ಎಂದು ತಿದ್ದುಪಡಿ ಮಾಡಲು.

2. The defendant No.2 has sworn an affidavit in support of the accompanying application wherein he has affirm that, at the time of filing the written statement due to typographical error wrongly typed in the written statement and the said mistake is bonafide one but not intentional one. Hence, they have filed the present application seeking permission to amend the written statement. It is further stated that, if the present application is not allowed the defendants would be put to great hardship and irreparable loss and which cannot be compensated in terms of the money and on the other hand, if the present application is allowed no hardship or injury would be caused to the plaintiff. Hence, prayed to allow the present application.

3. Per contra, the learned counsel for the plaintiff has filed statement of objection wherein specifically stated that the reasons stated in the affidavit filed in support of the accompanying application is not proper and denied the same and the application filed by the defendants are not maintainable and same is liable to be dismissed with exemplary costs. It is further contend that, in the present suit already stands for further cross-examination of DW1 and by that time the defendants have filed the present application only with an intention to protract the proceedings. Hence, prayed to dismiss the present application with exemplary costs.

4. Heard arguments on both side.

5. On going through the application with affidavit and objection, the following points would arise to this Court for determination ;-

1. Whether the defendants have made out sufficient ground to amend the plaint?

2. What order ?

6. This Court has answer to the above points are as under:

Point No.1 : In the Affirmative.

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

R E A S O N S

7. Point No.1 : It is relevant note that, the plaintiff has filed the present suit seeking for declaration and injunction over the suit schedule property. Further, the defendants have filed the present application seeking for proposed amendment.

8. As per the provision the Court may at any stage of the proceedings allow either party to alter or amend their pleadings in such manner and on such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties. The plaintiff has objected the application. The proposed amendment is very much necessary for determining the real question in controversy between the parties. If the proposed amendment is not allowed it will infringe the rights of the defendants. The proposed amendment does not take away the legal right of the party and it is very much necessary in order to determine the rights of the parties. At this stage, this

Court opines that, it is very much necessary to provide an opportunity to the defendants to carryout the amendment in the written statement because said amendment will not cause any injustice whatsoever to the plaintiff and provision relating to amendment of pleadings must be liberally construed with a view to promote ends of justice and not to defeat. The Court finds no impediment to allow the application. Under such circumstances, this Court has answer Point No.1 in the Affirmative.

9. Point No.2 : In view of finding on Point No.1, this Court proceed to pass the following:

ORDER

I.A.No.VI filed by the defendants under Order VI Rule 17 R/w Sec.151 of C.P.C. is hereby allowed subject to payment of Rs.300/- which is payable by the defendants to the plaintiff.

The learned counsel for the defendants are permitted to carry out the amendment in the written statement in accordance with the IA.No.VI and to file amended written statement.

[Dictated to the stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on this day of 9th October 2025]

(Devadas H.)
Prl.Civil Judge and JMFC.,
Honnali.

