

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL JUDGE &
J.M.F.C., HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

MVC. No.597/2024

Dated this the 04th day of May, 2026

Petitioner : Toufiqsha S/o Husainsha Makandar.

.Vs.

*Respondent : Nabeesab S/o Gareebsab Makandar and
another.*

PARTIES TO I.A. NO.XVII

Applicant/s : *Toufiqsha S/o Husainsha Makandar.*

.Vs.

Opponent/s : *Nabeesab S/o Gareebsab Makandar and
another.*

- i. Provision under which : Under Order 6 Rule 17 R/w Sec.151 of
application is filed CPC.*
- ii. Relief sought for : For amendment of petition.*
- iii. The date on which : 13.03.2026
application is filed*
- iv. Number of the : XVII
application*

v. The date on which : 28.03.2026
objections are filed by
different opponents

vi. The date on which : 04.05.2026
orders were passed on
the said application

ORDERS ON IA No.XVII

This order arises out of interlocutory application No.XVII filed by the applicant/petitioner under Order VI Rule 17 R/w Sec.151 of Civil Procedure Code for amendment of petition.

Proposed amendment sought to be introduced to the petition:

1. *In the cause title of the petition page No.6, after paragraph No.3, the following need to inserted.*

“It is submitted that the petitioner was holding a valid and effective driving licence bearing DL No.KA2820220012856 issued by Transport Department, valid from 03.09.2022 to 03.02.2038, accident occurred dated:30.01.2024 as on the date of accident.

2.The brief facts of the affidavit annexed to application is that, he was holding a valid and effective driving licence bearing No.DL No.KA28200220012856 issued by Transport Department, valid from 03.09.2022 to 03.02.2038, accident occurred dated:30.01.2024 as on the date of accident. Due to inadvertence and bonafide oversight, despite diligent efforts the driving license could not be produced along with the claim petition at the time of filing or during evidence. The said documents is a material and relevant document which goes to

the root of the controversy involved in the case and is necessary for proper adjudication of the issues framed by this Tribunal, particularly with regard to negligence and statutory compliance. It is further submitted that the omission to produce the driving licence earlier was neither intentional nor deliberate but occurred due to circumstances beyond the control of the petitioner, as the document was misplaced and was traced only recently. The proposed amendment does not introduced any new cause of action, does not alter the nature and character of the petition, and does not change the relief claimed in any manner. The amendment is purely clarificatory in nature and is sought only for the purpose of placing on record an already existing fact, namely possession of valid license as on the date of accident. It is further submitted that the respondents will not be prejudiced in any manner if the amendment is allowed. On the contrary, refusal to allow the amendment would result in miscarriage of justice. Hence, prayed to allow the application.

3. On the other hand, the counsel for respondent No.2 filed an objections taken contention that the application filed by the petitioner is false, frivolous. The documents produced by the petitioner is not related to this petition and the petition is now posted for arguments and he has filed several false applications to drag the proceedings. The documents which were already filed in the said case have been marked as Exhibits. The prayer in the main petition to amend the main petition that he has a D.L. in this case is doubtful because the charge sheet itself mentioned that he did not have a driving

license. The application for amendment of the documents which are not relevant in this case, was filed in this Court and the purpose of the amendment application was to buy time to defeat the petitioner. The petitioner had the intention of wasting the precious time of the Court. Hence, prayed to dismiss the application.

4. I have heard the arguments canvassed by learned counsel for the parties.

5. The following points are for my consideration.

- Point No.1: Whether the petitioner has made out sufficient grounds to allow the application?
- Point No.2: What order?

6. My findings to the above points are as under:

- Point No.1: In the Affirmative.
- Point No.2: As per final order, for the following;

REASONS

7. **Point No.1:** This is the petition filed by the petitioner seeking compensation for the injuries sustained in the road traffic accident dated:30.01.2024. When the matter is set down for arguments, the petitioner filed the present application seeking for amendment of the petition to incorporate the averments that as on the date of accident the petitioner was holding a valid and effective driving licence. It is not in dispute that the matter is posted for arguments and the evidence of parties has already been concluded. The charge sheet placed

on record discloses that the Investigating Officer has noted that the The petitioner was not possessing a driving license at the relevant point of time. Therefore, the proposed amendment appears to be inconsistent with the contents of the charge sheet. However, it is settled principle of law that pleadings can be permitted to be amended at any stage of the proceedings if such amendment is necessary for determining the real question in controversy between the parties. Provided no serious prejudice is caused to the opposite party, which cannot be compensated in terms of costs. In the present case, the issue as to whether the petitioner was holding a valid driving license at the time of accident is a material fact, having direct bearing on the question of negligence as well as liability. Merely because the charge sheet contains a contrary recital. The petitioner cannot be precluded from placing this specific case before the Tribunal, as the contents of the charge sheet are not conclusive proof and are subject to adjudication on the basis of evidence. The proposed amendment does not introduce a new cause of action, but only seeks to clarify and elaborate an existing factual aspect relevant for proper adjudication of the claim petition. Allowing such amendment would enable the Tribunal to adjudicate the matter comprehensively and avoid multiplicity of proceedings. Though the application is filed at a belated stage, the same can be compensated by imposing appropriate costs and by granting opportunity to the respondents to meet the amended pleadings. Therefore, in the interest of justice and to secure complete and effective adjudication of the dispute, The application for

amendment deserves to be allowed subject to cost. Hence, I answer **point No.1 in the affirmative.**

8. **Point No.2:** In view of the aforesaid reasons, I proceed to pass the following;

ORDER

I.A. No.XVII filed by the petitioner Under Order VI Rule 17 R/w Sec.151 of Civil Procedure Code is hereby allowed on cost of Rs.500/-.

Thereby, the petitioner is permitted to carryout the amendment as prayed in the application.

The cost awarded is condition precedent.

For amendment and amended petition
by:16.05.2026.

(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **04th day of May, 2026**)

sd/-

(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.