

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, HUBBALLI**

Present:
Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

OS No.577/2024

Dated this the 25th day of June - 2025

Plaintiff : Vijayalaxmi W/o. Yallappa Goudar.

.Vs.

Defendants : Shankarappa Basavanappa Shirur and
others.

PARTIES TO IA No.II

Applicant : Vijayalaxmi W/o. Yallappa Goudar.

.Vs.

Opponents : Shankarappa Basavanappa Shirur and
others.

ORDER ON IA No.II

The Advocate for plaintiff has filed I.A. No.II U/o.6 Rule 17 of C.P.C. praying for amendment of the plaint by way of inserting paras as prayed in the application.

2. The plaintiff has sworn affidavit stating that after filing while preparing chief-examination he has observed that the name of plaintiff is wrongly typed as Goudar instead of Gouda Patil and the word acre be deleted in its place gunta be added and gunta be deleted in its place anna be added

and also through oversight and typographical errors have been occurred which is very much necessary to rectify by amending the plaint. If the application is not allowed he will be put to great loss and hardship. Hence, prayed to allow the application.

3. The counsel for defendant has filed objection to this I.A. contending that the contents of the application and affidavit are false and frivolous and not maintainable. He contended that the relief sought by the plaintiff is not maintainable either in the eye of law or on facts. He has contended that the suit property at serial No.1 RS No.150/3 is in fact measuring 24 gunta 12 anna, but instead of it plaintiff misguided the court by showing the suit property of serial No.1 as measuring 24 acre 12 guntas and hence, suit is bad for wrong description of properties. The plaintiff has no knowledge about the correct name Gouda Patil and has no knoweldge about the suit property. Now the case is posted for evidence, at this stage the plaintiff has no right to seek amendment of the suit. If the amendment is allowed, the nature of the suit will be changed. The plaintiff has filed this application only with an intention to cause loss to the defendant. No proper reasons are assigned in the application. Hence, prayed to reject the application.

4. Heard and perused the records. The following points arise for my consideration:

1. Whether the plaintiff has made out grounds to allow the application?

2. What order?

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

1. In the Affirmative.

2. As per final order,
for the following:

REASONS

6. **Point No.1:** The plaintiff has filed suit against the defendants for partition and separate possession. Based on the pleadings issues have been framed. Now the case is posted for plaintiff evidence. At this stage the Advocate for plaintiff has filed this application seeking permission of the court to insert paras in plaint as sought in the application. The plaintiff has contended that due to oversight the errors have been occurred while drafting the plaint. The said proposed amendment is very much necessary for proper adjudication of the case. The defendant has contended that instead of having knowledge about the same the plaintiff has not inserted the same while filing the suit. In order to cause loss to the defendants, the plaintiff has filed this application. I have perused the RTC produced by the plaintiff. The the property bearing survey No.150/3 is measuring 24 guntas 12 annas. The plaintiff has sought correction of guntas instead of acre and annas instead of gunta and also sought the surname of the plaintiff as Gouda Patil instead of Goudar.

The amendment sought by the plaintiff is formal in nature, it will not change the nature of the suit. To decide the controversy between the parties the proposed amendment is necessary. No doubt there is a delay in filing this application. On the delay ground only the application cannot be rejected. The proposed amendment is necessary to determine the rights of the parties in the proceedings. The defendants have right to cross-examine on the said contention. Therefore, I answer point No.1 in **Affirmative**.

8. **Point No.2**: In view of my answer to point No.1 as stated above, I proceed to pass the following;

ORDER

The I.A. No.II filed by the plaintiffs U/o.6
Rule 17 of C.P.C. is hereby allowed.

The plaintiff is permitted to amend the
plaint and furnish the amended plaint.

(Dictated to the Stenographer directly on computer, computerized by her, script corrected directly on computer and then pronounced by me in the Open Court on this the **25th day of June – 2025**)

(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.