

ORDER

The 1st defendant has filed application under Order 6 Rule 17 R/w Sec.151 of CPC., seeking amendment of written statement as sought in application.

2) In the affidavit, it is stated that, defendant No.1 had filed written statement by oversight she has not inserted some words. Hence, filed instant application.

3) The amendment which is sought for is,

1ನೇ ಪ್ರತಿವಾದಿಯು ಲಿಖಿತ ಹೇಳಿಕೆಯ 3ನೇ ಕಂಡಿಕೆಯ 12ನೇ ಸಾಲಿನಲ್,ಲಿ ಮಂಜಮ್ಮನವರು ಮರಣ ಹೊಂದಿದ ನಂತರ ಎಂದು ಸೇರಿಸಬೇಕಾಗಿರುತ್ತದೆ.

4) On the contrary objection is filed by 2nd defendant and prayed to dismiss the application.

5) Heard the arguments of counsel for plaintiff and defendants.

6) The points that arise for my consideration are :

1. Whether the amendment sought is necessary for the purpose of determining the real question in controversy between the parties ?

2. What order?

7) My findings on the above points are as under:

Point No.1: In Affirmative

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

:-REASONS:-

8) **Point No.1:** The plaintiff has filed this suit seeking partition with respect to suit schedule property.

9) Now it is adjourned for arguments. Now the defendant No.1 is come up with instant application seeking amendment of written statement. Order 6 Rule 17 of CPC reveals that,

Amendment of Pleadings : The Court may at any stage of the proceedings allow either party to alter or amend his 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 questions in controversy between the parties: Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

10) It is crystal clear that, suit is adjourned for arguments. The defendant No.1 by oversight failed to insert the words which is to be inserted, if application is not allowed defendant No.1 would be put into a greater hardship. Hence, in the ends of justice, I hold **Point No.1 is in Affirmative.**

11) **Point No.2:** In view of the discussion made in answering Point No.1, I proceed to pass the following:

ORDER

Application which is filed by the defendant No.2 under Order 6 Rule 17 R/w Sec.151 of CPC., seeking amendment of written statement is hereby allowed by imposing cost of Rs.500/-.

Senior Civil Judge and JMFC
Channarayapatna