

KAHS710006042020



**THE COURT OF THE ADDL. CIVIL JUDGE & J.M.F.C., AT
HOLENARASIPURA**

DATED THIS THE 02nd DAY OF SEPTEMBER 2025

PRESENT

**SMT. AISHWARYA S.G., B.A. LL.B., LL.M.
ADDL. CIVIL JUDGE & JMFC,
HOLENARASIPURA.**

Ex.No.15/2020

DHR : Dasegowda S/o. Late Naarasigowda and others
(By Sri.H.T.R., Advocate)

V/s

JDR : Rajegowda S/o. Karigowda and others

I.A.No.I

APPLICANT : Gowdegowda S/o. Dasegowda

V/s

OPPONENTS : Rajegowda S/o. Karigowda and others

ORDER ON IA NO.I FILED U/O 6 RULE 17 OF CPC

1. The DHR filed application U/o 6 Rule 17 of CPC seeking the relief of amendment of execution petition.
2. **The set of facts discernible from affidavit is summarized as follows:**

The applicant, in application accompanied by affidavit, states that this is an execution petition of the decree passed in OS No.170/2010. Though, in the original decree the suit schedule property bearing

Sy.No.31/8 to the extent of 1.06 acres is mentioned, however in the execution petition due to over sight the extent of suit property is mentioned as 3.06 acres instead of 1.06 acres. Hence in order to rectify the same the application has been filed.

3. Upon the admission of the Application the notice of the same was issued on the JDRs, however despite of giving sufficient opportunities JDRs failed to file objection, hence the objection of JDR was taken as not filed.
4. Based on the contentions, the following points arise for determination of this court as under:

Point No.1: Whether the applicant has established ground to entitle him for the relief of amendment as sought in application?

Point No.2: What order?

5. Upon appreciation of the averments placed on record in the background of the arguments advanced by counsel for the DHR, court's findings for the above points are as under:

Point No.1 : In Affirmative,

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

REASONS

6. **Point No.1:** This is the execution proceeding initiated based on the decree passed in OS No.170/2010 dated 07.07.2014 at this juncture, counsel for the DHR filed the application U/o.6 Rule 17 for the amendment for the execution petition. On perusal of the application it appears that the sought an application is for the amendment pertaining to extent in the suit property. Decree copy annexed hereby discloses that the suit property was for Sy.No.31/8 to extent of 1.06 acres, whoever in the execution petition the extent of the suit property is mentioned as 3.06 acres. The same appears to be typographical error.

Furthermore, the sought amendment will neither change the nature of the execution petition nor alter the remedy granted in the original suit. Moreover in the decree copy the extent has been mentioned correctly and the current application is only seeking to cure a typographical error which has been crept in the drafting of the execution petition. Accordingly, **point No.1 has been answered in the Affirmative.**

11. Point No.2: In the touchstone of the above discussion, this Court proceeds to pass the following:

ORDER

*The I.A. No I U/o VI Rule 17 r/w 151 of
CPC is hereby allowed.*

No order as to cost.

For amendment 18.09.2025

(Dictated to the stenographer directly on the computer, typed by her, corrected by me and then pronounced in the open Court, this 02nd day of September 2025).

**(Smt.AISHWARYA S.G.)
ADDL. CIVIL JUDGE & JMFC.,
HOLENARASIPURA.**