

KAHS810017892018



IN THE COURT OF C/C CIVIL JUDGE AND JMFC.,
SAKALESH PURA

:Present:

SRI LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

C/c Civil Judge & JMFC., Sakaleshpura

Dated : 06th day of March, 2025

O.S. NO. 261/2018

Plaintiff : Smt. Sumathi

V/s

Defendant : Sri. Somashekar

IA NO.XII

Plaintiff : Smt. Sumathi

V/s

Defendant : Sri. Somashekar



ORDERS ON IA NO.XII FILED BY THE PLAINTIFF

U/O. VI RULE 17 R/W 151 OF CPC.,

This application is filed when the matter is posted for cross examination of DW-1. The plaintiff has filed the present application U/o.VI Rule 17 of CPC praying this court to permit the plaintiff to amend the plaint amending the measurement of property as 22 X 6.5 feet instead of 22 X 9.5 feet as mentioned in the application.

2. In the affidavit she has stated that it is very much necessary to amend the measurement of the property as 22 X 6.5 feet instead of 22 X 9.5 feet. The said mistake has been crept in due to typographical error. If the application is not allowed she would put to irreparable loss and injury. Hence prayed to allow the application.



3. The defendant has filed objections to the application and contended the plaintiff has filed as many as application for amendment only with intention to drag the proceedings. The proposed amendment introduces new facts. Hence prayed to dismiss the application.

4. Heard arguments and perused the records.

5. The following points would arise for the determination:

1. Whether the present application as sought by the plaintiff is just and necessary for the proper adjudication of the matter involved in the suit?

2. What order?

6. The findings on the above said points are under:

Point No.1 : In the *Affirmative*

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



REASONS

7. **Point No.1 :-** The plaintiff has filed the present suit for the relief of declaration and possession of the suit schedule property. On perusal of the plaint, it appears in the prayer column, the plaintiff has sought for possession of 22 X 9.5 feet and now by way of amendment has sought for 22 X 6.5 feet. It is for the plaintiff to prove her case with cogent evidence. On the other hand, the defendant except stating that she has filed this application only with intention to the drag the proceedings, no other grounds are made out. Hence, this court is opinion that the proposed amendment neither changes the nature of the suit nor cause of action. On the other hand if the application is not allowed, the plaintiff may suffer. With these observations, application deserves to be allowed. Accordingly point No.1 is answered in the ***Affirmative.***



8. **Point No.2** :- For the above discussed reasons, this Court proceeds to pass the following;

ORDER

The application filed by the plaintiff U/o. VI Rule 17 of CPC is hereby allowed on costs of Rs. 300/-.

The plaintiff is permitted to amend the plaint as prayed and to file amended plaint.

[Dictated to the Stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 06th day of March 2024]

(Lakshmi Narasimha R.V.)
C/c. Civil Judge and JMFC.,
Sakaleshpura.