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O.S.No.81/2017

**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C AT
SIGGAON**

Present: Ashwinichandrakanth
B.Sc., LL.B.
Civil Judge and J.M.F.C.,
Shiggaon.

Dated this the 03rd day of June, 2026.

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1. Tippanna Dyamanna Talawar,
Age: 70 years, Occ: Agriculture,
R/o: Panigatti, Tq.Shiggaon,
Dist.Haveri.
2. Smt.Shantavva W/o. Tippanna Talawar,
Age: 65 years, Occ: Household work,
R/o: Panigatti, Tq.Shiggaon,
Dist.Haveri.

.....PLAINTIFFS:

-Vs-

1. Nagappa Veerappa Honnalli,
Age: 80 years, Occ: Agriculture,
R/o: Panigatti, Tq.Shiggaon,
Dist.Haveri. (Dead)
- 1(a). Smt.Shankravva W/o. Basanagouda Huded
@ Veerapangoudra, Age: 60 years,
Occ: Household work, R/o: Mattigatti,
Tq.Kundagola, Dist.Dharwad.

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- 1(b). Smt.Rathnavva W/o. Dharamappa Gandundi,
Age: 58 years, Occ: Household work,
R/o: Ganjigatti, Tq.Shiggaon, Dist.Haveri.
- 1(c). Smt.Susavva W/o. Basanagouda Marigoudra,
Age: 56 years, Occ: Household work,
R/o: Shishuvinahala, Tq.Shiggaon, Dist.Haveri.
- 1(d). Smt.Lakshnavva W/o. Veeranagouda Byaligoudra,
Age: 44 years, Occ: Household work,
R/o: Panigatti, Tq.Shiggaon, Dist.Haveri.
2. Veerappa Nagappa Honnalli,
Age: 50 years, Occ: Agriculture,
R/o: Panigatti, Tq.Shiggaon,
Dist.Haveri.
3. Basavanneppa Nagappa Honnalli,
Age: 45 years, Occ: Agriculture,
R/o: Panigatti, Tq.Shiggaon,
Dist.Haveri.
4. Shekhappa Nagappa Honnalli,
Age: 43 years, Occ: Agriculture,
R/o: Panigatti, Tq.Shiggaon,
Dist.Haveri.

.... DEFENDANTS:

PARTIES TO THE IA No.14

1. Tippanna Dyamanna Talawar and another

.... Applicants/Plaintiffs

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V/s.

1. Nagappa Veerappa Honnalli and others.

.... Opponents/Defendants

ORDERS ON IA.No.14

The present application filed by the Plaintiff under Order VI Rule 17 R/w Sec.151 of CPC, with prayer to permit him to amend the plaint as per proposed amendment:-

ಸದರಿ ಅಸಲರ್ಜಿಯ ಪ್ಯಾರಾ ನಂ: 4 ನೇದ್ದರ 14 ನೇ ಪಂಕ್ತಿಯಲ್ಲಿ 1 ನೇ ಪದವಾದ ವಾದಿಯರು ಅಂತಾ ಗಣಕೀಕೃತವಾಗಿ ತಪ್ಪಾಗಿ ನಮೂದು ಇರುವುದನ್ನು ಪ್ರತಿವಾದಿಯರು ಅಂತಾ ಅಸಲರ್ಜಿಯಲ್ಲಿ ತಿದ್ದುಪಡಿ ಮಾಡಲು ವಾದಿಯರಿಗೆ ಅನುಮತಿ ನೀಡುವುದು. The applicant sought for the aforesaid proposed amendment.

2. The applicant has sworn affidavit along with this application wherein, it is stated that, applicant seeking for the aforesaid amendment. Further submitted that due to typical error instead of "Defendants" the word Plaintiff is mentioned. This typical error is not intentional one. Hence, it is necessary to amend the plaint. If this application is not allowed Plaintiff will be put to great hardship and irreparable loss. Hence, prayed to allow the present application.



3. Per contra, Defendant has filed objections stated that, they have filed written-statement on 20.03.2017 and taken specific contention regarding the word Plaintiff is mentioned in Para No.4, 14th line of plaint even during the cross-examination of PW1. The said contention was suggested by the Defendant counsel and the Plaintiff had admitted the same thing. Further objected that, applicant has filed this application after completion of arguments on both sides and after lapse of 10 years. Hence, this application is liable to be rejected.

4. Heard from both sides. Perused the materials on record.

5. **The following points that would arise for consideration:**

- 1) Whether the proposed amendment is just and necessary to determine the real questions in controversy between the parties?
- 2) What order?

6. **The answer to the above point are as under:**



Point No.1: Affirmative

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

REASONS

7. **Point No.1:** The whole facts of the IA is already narrated at the inception of this order. Therefore, repetition of the same is avoided here.

8. **As per provisions of CPC as follows:- Order VI Rule 17 Amendment to Pleading:** 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.

9. The Amendment of pleadings is necessary for determining the real question of controversy between parties. The object of the rule is that the Court should try



the merits of the cases that come before the Court and should consequently allow all amendments that may be necessary for determining the real question in controversy between the parties provided it does not cause injustice or prejudice to the other side. Ultimately, this Court exist for the purpose of doing justice between the parties and not for punishing them, and this court empowered to grant amendment of pleadings in the larger interest of doing full and complete justice to the parties. Provisions for the amendment of pleadings are intended for promoting ends of justice and not for defeating them. Rule 17 of Order VI confers wide discretion on a court to allow either party to alter or amend her pleading at any stage of the proceedings on such terms as it deems fit. However, such discretion must be exercise judicially and inconsonance with well established principles of law. The primary objective for this court to allow application for Amendment of Pleadings is secure the ends of the justice and prevent injustice to other parties. Also, this amendment is necessary for the purpose of determining the real questions in controversy between the parties. Amendments of pleadings help the parties to correct its mistakes in the pleadings. The object behind



amendment of pleadings is to protect the rights of the parties.

10. Keeping in view I perused the application, on perusal of affidavit filed by the Plaintiff he submitted that, in para No.4, 14th line the first word Plaintiffs is typed due to typical error instead of typing Defendants. Further applicant stated that, the typical error was not intentional one. Hence, the applicant sought for the proposed amendment. To prove the proposed amendment, heavy burden is on the Plaintiff and it is the duty of Plaintiff has to prove this producing necessary documents in further stage. If the application is not allowed, the matter in dispute between the parties cannot be adjudicated effectively. Moreover, if the application is allowed, it will not affect the case of the parties. In the instant suit, to determine the rights and liabilities of the parties and to avoid the multiplicity of proceeding between the parties. If this application is allowed would not cause any hardship to defendants. Further, the said amendment is required to determine the real controversy between the parties or else the dispute cannot decide at once which may lead the multiplicity of proceedings. Further the proposed amendment would not change the nature of suit. Therefore, this is of court

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considered opinion that, plaintiff can be permitted to carry out the proposed amendment in the interest of justice. Accordingly, In view of the above discussion, this court answered Point No.1 in the **Affirmative.**

11. **POINT No.2:** For the foregoing discussion and findings on Point No.1, this court proceeds to pass the following;

ORDER

IA No.14 filed by the Plaintiff Under Order VI Rule XVII R/w Sec.151 of CPC, is hereby allowed with costs of Rs.1,000/-.

The plaintiff is permitted to amend the plaint as per IA No.14.

(Dictated to the Stenographer, directly on computer, after typed by her, corrected, and then pronounced by me in the open court on this the **03rd day of June - 2026**).

Sd/-
(Ashwinichandrakanth)
Civil Judge & JMFC,
Shiggaon.