

**IN THE COURT OF THE SENIOR CIVIL JUDGE  
AND ADDL. MACT-AT SHIGGAON SITTING AT  
SAVANUR.**

**DATED THIS THE 16<sup>th</sup> DAY OF JUNE 2023**

**Present: Smt. Fairoza H.Ukkali,  
B.A.LLM.,  
Senior Civil Judge &  
Addl.MACT Shiggaon, Sitting  
at Savanur.**

**O.S. No. 69/2021**

**Plaintiffs:** Smt. Girijavva W/o. Ningappa Choori  
Age: 43 years, Occ: Household work,  
R/o Hattimattur, Tq: Savanur,  
Dist: Haveri and another.

**(By Sri. A.V.Kulkarani, Advocate for  
both Plaintiffs)**

**V/s**

**Defendants:** Chanabasappa S/o. Doddatirakappa  
Kambali,  
Age 65 years, Occ: Agriculture,  
R/o. Ichangi, Tq: Savanur, Dist: Haveri  
and 6 others.

**(By Sri. V.B.T Advocate for D 1, 5)  
(D 2, 3, 4, 6, 7 Exparte)**

**ORDER ON I.A. NO. 6**

The plaintiffs have filed I.A.No.6 under Order VI  
Rule 17 of CPC seeking amendment of plaint.

2. The learned for defendants No.1 and 5 has filed objections by contending that the amendment proposed after filing of written statement cannot be considered and that the proposed amendment will change the nature of the suit. Hence the learned Counsel for defendants No.1 and 5 have prayed to dismiss the application with costs.

3. I have heard on both side and perused record.

4. The points that arise for my consideration are:

- 1) Whether the proposed amendment is required for resolving the real controversy between the parties?
- 2) What order?

5. My answers to the above points is as under.

Point No.1: In the Affirmative

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

**REASONS**

**6. POINT No.1 :** The plaintiffs have filed the suit seeking the relief of partition and separate possession. Now the plaintiffs have filed this I.A. seeking amendment of plaint with regard to some corrections of name in the plaint and boundaries of the suit properties. The proposed amendment will not change the nature of the suit. Further as Issues are not yet framed, there is no embargo in permitting the plaintiffs to amend the plaint as proposed in the I.A. Further the proposed amendment being some corrections of names in the plaint and boundaries of the suit properties, the same is required for resolving the real controversy between the parties. Hence Point No.1 is answered in the Affirmative.

**7. POINT No.2 :** For the aforesaid reasons and finding on Point No.1, I proceed to pass the following

**ORDER**

**I.A. No. VI filed under Order VI Rule 17 of CPC by the plaintiffs is allowed and plaintiffs are permitted to amend the plaint as proposed in the I.A.**

**No order as to costs.**

Sr. Civil Judge & JMFC,  
Shiggaon, Sitting at Savanur.

(Operative portion of the Order pronounced in the open court vide separate Order)

**ORDER**

**I.A. No.VI filed under Order VI Rule 17 of CPC, by the plaintiffs is allowed and plaintiffs are permitted to amend the plaint as proposed in the I.A.**

**No order as to costs.**

JMFC,  
Savanur.

Sr. Civil Judge &  
Shiggaon, Sitting at