



IN THE COURT OF CIVIL JUDGE & JMFC., AT: AFZALPUR.

PRESENT

Sri. ANIL AMATE, B.A. L.LB(Hon's) ,
Civil Judge & JMFC.,
AFZALPUR.

Dated this the 12th day of November-2024

O. S. No.27/2019

Plaintiff: Lalita W/o Mallikarjun @ Mallu Rathod
(By Sri. K.S.C. Advocate)

V/s

Defendants: Vanamala & others
(D-1 to 3 By Sri. S.S.P Advocate)
(D-4 to 8 By L/AGP)

PARTIES IN I.A.NO.IV

Applicant: Lalita W/o Mallikarjun @ Mallu Rathod

V/s

Opponents: Vanamala & others



-2-

: ORDER ON APPLICATION U/O-6

RULE-17 OF CPC:

This order arises out of application filed by the plaintiff under Order VI Rule-17 of CPC for amendment of plaint. In the application the plaintiff has sought for amendment to the cause title in particularly the address of the defendant No.4 and 7. The address of defendant No.4 due to over sight which was shown as Vijayapura District of Afzalpur and address of defendant No.7 is shown as Kalaburagi instated as Afzalpur, therefore, the plaintiff sought for amendment the address of the defendant No.4 and 7 in the cause title of plaint.

2. L/AGP filed objection to the IA No.4 and contended that the reasons stated in the accompanying affidavit of plaintiff are false and previous plaintiff has no prima-facie case, the plaintiff has bad initiation and giving harrashment to the defendant by filing this suit, hence, the IA No.4 deserved to be dismissed.
3. Heard both side, perused the pleadings, the following points arise for my consideration.



-3-

1. Whether the plaintiff has made out grounds to allow the application as prayed for?
2. What order?

4. My answer to the above points are as follows:

Point No.1: In the Affirmative

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

: R E A S O N S :

5. **Point No.1**:- The plaintiff has filed suit for declaration and injunction against the defendants. Plaintiff has submitted that due to over sight the residential address of defendant No.4 and 7 shown wrongly. Therefore, the plaintiff has filed present IA and seeking permission to correct the address of defendant No.4 and 7 by way of carrying amendment in the plaint. In the application the plaintiff has sought for amendment to the cause title in particularly the address of the defendant No.4 and 7. The address of defendant No.4 due to over sight which was shown as Vijayapura District of Afzalpur and address of defendant No.7 is shown as Kalaburagi instated as Afzalpur, therefore, the plaintiff sought for amendment the address of



-4-

the defendant No.4 and 7 in the cause title of plaint, if the IA is allowed it will cause any loss, harm or prejudice to the defendants and the plaintiff is not introducing the new facts by way of amendment, therefore, this court of opinion that the plaintiff is made out grounds for allow the IA No.4. Hence, the point No.1 in answered in affirmative.

6. **Point No.2:** In view of above reasons, this court proceed to pass the following:

: O R D E R :

The application filed by the plaintiff under Order VI Rule-17 CPC is hereby allowed on cost of Rs.500/-. The same cost to be paid to the TLSC Afzalpur.

The plaintiff is permitted to amend the plaint.

For amendment and amended plaint.

(Dictated to the Stenographer, directly on computer, typed by him, corrected by me, signed and then pronounced in open court on this the 12th Day of November-2024)

(Sri. Anil Amate)
Civil Judge & JMFC,
Afzalpur.