

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C  
SEDAM**

**PRESENT: SRI. VIJAYKUMAR S. JATLA**  
B.Sc., LL.B.  
**Senior Civil Judge & JMFC, Sedam**

**DATED THIS THE 13<sup>th</sup> DAY OF JANUARY-2021.**

**O.S.No.79/2018**

**Plaintiff** : Eshwaramma and others.

Versus

**Defendants** : Channamma and others.

**Order on I.A.No-VIII U/o 6 Rule 17 of CPC filed by Defendants**

This is an interlocutory application is filed by the defendants seeking amendment of written statement.

**2.** The proposed amendment is that ;

Delete in para 4 and line 16 to 18 and following may be added as line 16 to 18. "16. Defendant was worked as block program officer in BAIF in the year 1989. Thereafter defendant was appointed as lecturer in Matruchaya college under Government scale."

**3.** Advocate for defendants contended that the plaintiffs are filed suit for partition against him and his mother. That himself and his mother and he filed written statement before the Hon'ble court. That in para 4 line 16 to 18, of written statement due to over sight, it was stated that he was done duty in NT college, due to over sight

this fact was wrongly mentioned, but he actually he was worked as lecturer in Matruchaya College. Therefore, this fact came to know him only when himself and his advocate preparing cross examination of PW-1. Therefore this fact could not state at the time of filing written statement earlier was also he done job at BAIF. This fact also not included in his written statement. These facts are very necessary to decide the matter. That suit of plaintiffs is not maintainable. If amendment is not allowed he will lose right to put-up correct his case. No prejudice other to other side if petition is allowed. If petition is not allowed he will put heavy loss and he will loss right to file written statement and also right to contest the case. Therefore defendants prayed for allowing the application U/o 6 Rule 17 of CPC. Per contra, advocate for plaintiffs has not filed any objections to the said application.

**4.** On the basis of the above pleadings and on hearing advocate for defendants, the following points arise for my consideration.

- 1) Whether the defendants have made out grounds to allow I.A.No.VIII U/o 6 Rule 17 of CPC ?
- 2) What order?

**5.** My findings on the above points are as under:

Point No:1 : In the Affirmative.

Point No.4: As per final order  
for the following:

### **REASONS**

**6. Point No.1:-** The case of the defendant is as discussed above. This is a suit for partition and Separate possession in respect of suit schedule properties against the defendants. This application is filed by the defendants for proposed amendment of written statement. Advocate for defendants contended that the proposed amendment is very much essential for proper adjudication of the matter. Further contended that the typographical mistake is not intentional one but by over sight, hence sought for allowing the application. Advocate for plaintiffs has not filed objections.

**7.** On perusal of the IA No.VIII and plaint and written statement it is seen that the plaintiffs filed suit for partition and separate possession against the defendants. The defendants filed written statement. The proposed amendment which is sought by the defendants is by oversight typographical mistake one. The proposed amendment will not change the nature of suit and it is essential for proper adjudication of dispute. If the amendment is not allowed the defendants are deprived of put forth their case properly and leads to multiplicity of the proceedings. The defendants made out the valid and justifiable grounds to allow I.A No.VIII U/o 6 Rule 17 of CPC. In the light of above reasons I answer Point No.1 in the Affirmative.

**8. Point No.2**:- As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

**ORDER**

IA-VIII Under order 6 Rule 17 of CPC filed by the defendants is hereby allowed. Further defendants are directed to amend the written statement.

(Dictated to the Stenographer directly on computer and corrected by him and then pronounced by me, in the open Court on this the **13<sup>th</sup> day of January-2021**, at Sedam)

Senior Civil Judge & JMFC,  
Sedam.

**(Order pronounced in the open court  
vide separate order)**

**O R D E R**

IA-VIII Under order 6 Rule 17 of CPC filed by the defendants is hereby allowed. Further defendants are directed to amend the written statement.

For amendment and amended written statement call on 19-01-2021.

**Senior Civil Judge & JMFC.,  
Sedam.**