

2.4.2025

Orders on IA No.12 U/O VI Rule 17 of CPC

The petitioner has filed this application U/O 6 Rule 17 of CPC and sought to amend the petition.

2. The counsel for the petitioner has filed memo of facts and stated that due to typographical mistake the offending vehicle is shown as Honda Dio Car bearing Regn.No.KA.32/ET.5293 instead of Honda Dio Motorcycle. Hence, prays to allow the IA.

3. The respondent No.2 has filed objections to IA and denied the contents of the memo of facts. It is submitted that the name of the offending vehicle is mentioned as Honda Dio Car in the FIR, in the claim petition and in the evidence. Therefore, the petitioner now cannot change the vehicle. Hence, prays to dismiss the IA.

4. Perused the records. Heard arguments.

5. On perusal of the charge sheet it is seen that in the charge sheet the offending vehicle is shown as Motorcycle bearing Regn.No.KA.25/ET.5293. Further in the charge sheet in column No.11 it is mentioned that in the FIR due to misconception of the complainant the vehicle is shown as Car. But in fact it is motorcycle. The same makes it clear that the offending vehicle is Motorcycle Regn.No.KA. 25/ET.5293. Accordingly, the petitioner has sought to amend the petition. Therefore, if the IA is allowed no prejudice would be caused to the respondents.

Moreover, the proposed amendment will not change the nature of the petition. Hence, the following:

ORDER

The application filed by the petitioner U/O VI Rule 17 of CPC is hereby allowed.

The petitioner shall amend the petition both in MVC No.66/2024 and MVC No.571/20024.

Senior Civil Judge & JMFC, Sedam.

Court commissioner has filed his report. Sri.VSR advocate submits he close his side evidence.

For amendment and amended petition and respondent evidence. Call on 23.04.2025.

Senior Civil Judge & JMFC, Sedam.