



IN THE COURT OF THE CIVIL JUDGE AND JMFC, SEDAM

Present: Sri. Balu,
B.A., LL.B.,
Civil Judge & JMFC., Sedam

Dated this the 18th day of November-2025

O.S.No.34/2019

- Plaintiffs NO.:** 1. Ramachandra S/o Dodda Kashya Nayak,
Age:60 years, Occ: Agriculture,
R/o Venakatapur, Taluka: Sedam,
Dist: Kalaburagi. **Since died by Lrs.**
- a. Shshilabai W/o Ramachandra,
Age:68 Years, Occ: Agriculture,
R/o Venkatapur, Tq: Sedam,
Dist: Kalaburagi.
- b. Kashinath S/o Ramachandra,
Age: 35 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.
- c. Manjunath S/o Ramachandra,
Age: 30 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.
- d. Reshma W/o Laxmikanth Chavan,
Age: 33 Years, Occ: Household,
R/o Sheri Tanda Kodli, Tq: Kalgi.
2. Laxman S/o Dodd Kashya Nayak,
Age: 55 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.



3. Dassy S/o Dodda Kashya Nayak,
Age: 55 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.
 - a. Kashibai W/o Dassya Nayak,
Age: 50 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.
 - b. Jyoti D/o Dassya Nayak,
Age: 12 Years minor,
Occ: Student, R/o Venakatapur,
Tq: Sedam, Dist: Kalaburagi through
next friend natural mother Kashibai
W/o Dassya Nayak, Age: 52 Years,
Occ: Agriculture, R/o Venakatapur,
Tq: Sedam, Dist: Kalaburagi.
 - c. Kashiram S/o Dassya Nayak,
Age: 10 Years minor,
Occ: Student, R/o Venakatapur,
Tq: Sedam, Dist: Kalaburagi through
next friend natural mother Kashibai
W/o Dassya Nayak, Age: 52 Years,
Occ: Agriculture, R/o Venakatapur,
Tq: Sedam, Dist: Kalaburagi.
 - d. Basu S/o Dassya Nayak,
Age: 08 Years minor,
Occ: Student, R/o Venakatapur,
Tq: Sedam, Dist: Kalaburagi,
through next friend natural mother
Kashibai W/o Dassya Nayak,
Age: 52 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.



(Lr's of Plt. a to d by Sri. N.R.,Adv.)

-V/s-

- Defendants No.1.** Kistappa S/o Balappa,
Age: 50 years, Occ: Agriculture,
R/o Venakatapur, Taluk: Sedam,
District:Kalaburagi,
2. Bheemamma W/o Kistappa,
Age: 45 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.
3. Mahesh S/o Kistappa,
Age: 30 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.
4. Balaram S/o Tukkyaya Nayak,
Age; 50 Years, Occ: Agriculture,
R/o Venakatapur, Tq: Sedam,
Dist: Kalaburagi.

(D.1 to 3 by Sri. S.K.D. Adv.)

(D.4 by Sri. S.P. Adv.)

ORDER ON IA.VII U/o 6 RULE 17 OF CPC

The LR.s of plaintiff No.I has filed I.A. No.VII U/o 6 Rule 17 of CPC for amendment of plaint as per the proposed amendment as under,



PROPOSED AMENDMENT

The southern boundary of the suit land be corrected as Land of defendant No.4 in place of land of defendant No.2.

2. In the annexed affidavit, the plaintiff No.2 is contended that, the plaintiff have filed this suit for declaration and injunction regarding suit land and while preparing chief examination he came to know about the boundary given to suit land towards south is wrongly typed as defendant NO.2 instead of defendant No.4. While preparing suit the plaintiffs have given maps and sale deed and on that basis the suit is prepared but due to typing mistake the southern boundary is given as defendant No.2 but actual defendant No.4's land hiss No.2 is situated towards the south of the suit land. The mistake is required to be corrected otherwise the description will be wrong. The amendment will be necessary. If the amendment is not allowed it will cause irreparable damage and on the other hand if it is allowed no prejudice will be caused to the other side. Hence prayed to allow the application.

3. On the other hand, the counsel for defendant No.1 to 3 has filed the objections stating that, the suit is for injunction and the interim application filed by the plaintiff is not maintainable in the eye of law. The reasons and ground shown in IA are incorrect and insufficient the IA is filed only to prolong the matter. At the



belated stage IA is not maintainable. Hence, prayed to reject the IA application. The defendant NO.4 has not filed any objection inspite of sufficient opportunities given by this court. Hence, objection on behalf of defendant is taken as not filed.

4. Heard arguments on both sides.
5. The points that arise for my consideration are:-
 1. Whether the plaintiffs have made out grounds to amend the plaint?
 2. What order?
6. My answer to the above points are:-

Point No.1: In the Affirmative

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

REASONS

7. **POINT NO.1:-** It is the contention of the plaintiffs that, the plaintiff have filed this suit for declaration and injunction regarding suit land and while preparing chief examination he came to know about the boundary given to suit land towards south is wrongly typed as defendant NO.2 instead of defendant No.4. While preparing suit the plaintiffs have given maps and sale deed and on that basis the suit is prepared but due to typing mistake the southern boundary is given as defendant No.2 but actual defendant No.4's land hiss No.2 is situated towards the



south of the suit land . The mistake is required to be corrected otherwise the description will be wrong. The amendment will be necessary. If the amendment is not allowed it will cause irreparable damage and on the other hand if it is allowed no prejudice will be caused to the other side. On the other hand the defendant No.1 to 3 contended that, the defendants have filed the contention only in order to prolong the matter. And at this belated stage the application is not maintainable.

8. I have perused the materials available on record, on perusal it reveals that the plaintiff has filed the present suit for the relief of declaration and injunction against the defendants in respect of suit property. It is alleged by the plaintiff that at the time of claiming the suit the boundaries on southern side of suit property is wrongly typed as defendant No.2 instead of defendant No.4. Now the plaintiff wanted to amend the boundaries of southern side of the suit property. If the present application is effected on that ground only then it will lead to multiplicity of proceedings.

9. The main object of **Order 6 Rule 17 of CPC** is to allow either party to alter or amend his pleadings in such manner and on such terms as may be just. The power to allow the amendment is wide and can be exercised at any stage of the proceedings in the interests of justice on the basis of guideline laid down by various High courts. It is true that the amendment cannot be clawed as a



matter of right and under all circumstances, but it is equally true that the Courts while deciding such prayers should not adopt hyper technical approach. Liberal approach should be the general rule particularly in cases where the other side can be compensated with the costs. Technicalities of law should not be permitted to hamper the Courts in the administration of justice between the parties. The present application is filed after commencement of trial and the defendants are at liberty to file additional written statement to the amended plaint. Amendments are allowed in the pleadings to avoid uncalled for multiplicity of litigation. In order to put an end to litigation it is just and necessary to allow I.A. Hence, by imposing cost, if the present application is allowed no loss will be caused to the defendants or else it will lead to multiplicity of proceedings. Hence, I answer point No.1 in the affirmative.

10. **POINT NO.2:-** In view of my findings on Point No.1, I proceed to pass the following:-

ORDER

I.A. No.VII filed by the plaintiffs U/o 6
Rule 17 of CPC is hereby allowed on cost of
Rs.500/-.

For amendment and amended plaint.

Call on 01.12.2025.



(Dictated to the stenographer transcribed by her corrected and then pronounced by me in the open court on **this the 18th day of November-2025**).

**Sd/-
(Balu)
Civil Judge & JMFC.,
Sedam.**
