

Date: 12.01.2026

ORDERS ON IA.IV U/o 6 RULE 17 OF CPC

The counsel for plaintiff has filed I.A. IV U/o 6 Rule 17 of CPC for amendment of plaint.

2. In the affidavit annexed with the application it is contended that, at the time of filing of the suit the name of plaintiff was miss-spelled due to typographical mistake and as per the school records her spelling was Poojeshwari. Hence prayed to allow the application and sought permission to allow the applicant to amend the plaint as per proposed amendments.

3. Per contra, the defendants failed to file the objection to this application, hence objection is taken as not filed as per order 23.09.2025.

4. Heard arguments on both sides.

5. The points that arise for my consideration are:-

1. Whether the plaintiff has 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 plaintiff that, at the time of filing of the suit the name of plaintiff was miss-spelled due to typographical mistake and as per the school records her spelling was Poojeshwari. Hence prayed to allow the application and sought permission to allow the applicant to amend the plaint as per proposed amendments.

8. I have perused the materials available on record, it clearly reveals that, the plaintiff has filed this suit for the relief of declaration and injunction there is no dispute regarding the plaintiff. Therefore in view of the above said proceeding it is just and proper to amend the plaint. If the application is allowed and amendment is carried-out, no hardship would be caused to the defendants as they are having ample opportunities to put-forth his defence.

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. In the instant case the amendment is with regard to name of the plaintiff. 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. filed by the plaintiff U/o 6 Rule 17
of CPC is hereby allowed on cost
of Rs.500/-.

For amendment and amended plaint,
call on 02.02.2026

Sd/-

(Balu)
Civil Judge, Sedam