

KAMD400005722017



**IN THE COURT OF THE SENIOR CIVIL JUDGE &  
JMFC, AT MALAVALLI**

**PRESENT: SRI.MAHENDRA.M** B.A, LL.B.,  
Senior Civil Judge & JMFC,  
Malavalli .

**Dated this 03<sup>th</sup> day of October -2025**

**M.V.C. No.1608/2017**

**PETITIONER** : Smt. Ningamma dead by LR's  
-V/s-

**RESPONDENTS** : Sri.Nanjundaraje Urs & another

**I.A.No.II**

**APPLICANT /**

**RESPONDENT NO.2: The Divisional Manager,**

National Insurance Company Ltd.,  
Divisional Office,  
Srinivasa Plaza,  
1<sup>st</sup> Floor, Adhichunchanagiri Road,  
Kuvempunagara,  
Mysore.

**(By Sri.N.S.S., Advocate)**

**-V/s-**

**OPPONENT/**

**PETITIONER:**

Smt. Ningamma Dead by LR's

**a) Ningegowda dead by LR's**

**b) Sri. D.N. Ramalingegowda**

S/o Ningegowda,  
aged about 53 years,  
R/at Doddegowdanakoppalu  
Village, Kirugavalu Hobli,  
Malavalli Taluk, Mandya District.

**(By Sri. S.V.S., Advo.,)**

|     |                                                                         |                                                    |
|-----|-------------------------------------------------------------------------|----------------------------------------------------|
| I   | <i>Provision under which the application is filed</i>                   | <i>U/o VI rule 17 Read with Section 151 of CPC</i> |
| II  | <i>Relief sought for</i>                                                | <i>Amendment of Written Statement</i>              |
| III | <i>The date on which the application is filed</i>                       | <i>14.08.2025</i>                                  |
| IV  | <i>Number of the application</i>                                        | <i>I A No.II</i>                                   |
| V   | <i>The date on which the objection are filed by deferent opponents</i>  | <i>21.08.2025</i>                                  |
| VI  | <i>The date on which the orders were passed on the said application</i> | <i>03.10.2025</i>                                  |

**(Sri.Mahendra M.)  
Senior Civil Judge & JMFC.,  
Malavalli.**

**ORDERS ON IA.No.II**

This is an application filed by the respondent No. 2 under order VI rule 17 r/w Sec.151 of C.P.C. for amend the written statement as sought in the IA.No.II.

2. **The averments of the affidavit filed in support of the application are as follows:-**

The petitioner has filed this claim petition for compensation an account of Road Traffic Accident. The respondent No. 2 company has filed written statement. But at the time of filing of written statement, he could not collect some important material documents. After securing the said documents, it is revealed that, in the wound certificate and MLC extract it is mentioned the history of accident hit by a Swift car mirror driven by Pradeep S/o Chikkannaiah R/at Pete beedi, Malavalli. Even the petitioner and her friend Padma have also given statement and stated that, the name of the driver of the Swift Car. But in the charge sheet some one name has been inserted as Driver of the car. These material facts are not at all stated in the written statement at the earliest. After collecting the documents the 2<sup>nd</sup> respondent company came to know the said facts very recently. Hence, the proposed amendment is necessary. If this application is not allowed the respondent No. 2 company will be put to irreparable loss and injury which cannot be compensated. **Hence filed I.A No.II.**

3. The learned counsel for the petitioner has filed an objection to application and contended that, the application

filed by the respondent No. 2 is not maintainable either in law or on facts the same is liable to be dismissed in limine. The petitioner further contended that, the proposed amendment is not required. Only bad intention the 2<sup>nd</sup> respondent has filed present application. The 2<sup>nd</sup> respondent filed false affidavit before this court. **Hence, prayed that dismiss the application filed by the 2<sup>nd</sup> respondent with cost.**

4. Heard the arguments from the counsels appeared on behalf of the parties to the petition.

5. The following points are arise for consideration of this court:-

### **POINTS**

- 1. Whether the applicant/respondent No. 2 proves that, IA.No.II is deserves to be allowed?**
- 2. What order?**

6. This court has perused the material available on record. The findings of this court on the above said point as follows:-

**Point No.1: In the Affirmative**  
**Point No.2: As per final order**  
**for the following:-**

### **REASONS**

7. **Point No.1:-** The respondent No. 2 has filed present application seeking permit to amend the written statements by inserting some paragraphs and delete the some paragraphs In the written statements. The petitioner has filed formal objection to application.

8. **Under order 6 rule 17 of CPC as follows-**

***Amendment of pleadings- the court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.***

***Provided that, no application for amendment shall be allowed after the trial as commenced, unless the court come to the conclusion that in spite of due diligence the party could not have raised the matter before the commencement of trial.***

9. The petitioner has filed present petition seeking compensation on account of Road Traffic Accident. The original petitioner/Injured died. The legal heir of injured brought on record. The respondent No. 2 has filed its written statement on 09.08.2018. After lapse of 7 years the respondent No. 2 has filed present amendment application.

The evidence of petitioner commenced. The respondent No. 2 has filed memo with documents in support of its application. The respondent No. 2 has specifically denied the averments of the petition. The defense taken by the respondent No. 2 will be considered at the time of appreciation of the evidence. The 2<sup>nd</sup> respondent is the public company. One more opportunity given to 2<sup>nd</sup> respondent is required. Hence, IA No II filed by the respondent No. 2 is deserves to be allowed. **With these observations this court has answer the Point No.I in the Affirmative.**

10. **Point No.2**:- For the above reasons I proceed to the pass the following:-

### **ORDER**

**The IA.No.II filed by the learned counsel for the respondent No. 2 under order VI rule 17 r/w Sec.151 of CPC is hereby allowed, with subject to payment of cost of Rs.500/-.**

**The respondent No. 2 is Permitted to amend the written statement and furnish amended written statement.**

(Dictated to the Typist, Order corrected and signed by me, then pronounced by me in the Open Court on this the **03<sup>rd</sup> day of October -2025**).

**(Sri.Mahendra M.)  
Senior Civil Judge & MACT,  
Malavalli.**