

KAMD400005972017



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

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

**Dated this 26<sup>th</sup> day of February -2026**

**MVC NO.1674/2017**

**PETITIONER : Sri. D.B.Nagaraju**

**-V/s-**

**RESPONDENTS : Sri. Suresha & Others**

**I.A.No.VII**

**APPLICANT**

**PETITIONER:** **Sri. D.B.Nagaraju**  
S/o Boregowda  
Aged about 32 years,  
R/o Dasanadoddi Village,  
B.G.Pura Hobli, Malavalli Taluk,  
Mandya District.

**(By Sri. M.B.B., Advocate)**

**-V/s-**

**OPPONENTS/****RESPONDENTS:****1. Sri. Suresha**

S/o Chikkonu, Major  
R/o Rayashettypura Village,  
Basaralu Hobli, Mandya Taluk  
and District.

**2. Sri. Puttaraju, Major**

R/o Malagarahanahalli Village,  
Maddur Taluk, Mandya District.

**3. The Branch Manager**

United India Insurance Co. Ltd.,  
M.C.Road, Mandya.

**(By Sri. B.R., Advo., for R1)**

**(By Sri. P.L.G., Advo., for R3)**

**(R2 placed Ex-parte)**

|     |                                                                         |                                                    |
|-----|-------------------------------------------------------------------------|----------------------------------------------------|
| 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 petition</i>                       |
| III | <i>The date on which the application is filed</i>                       | <i>12.02.2026</i>                                  |
| IV  | <i>Number of the application</i>                                        | <i>I A No.VII</i>                                  |
| V   | <i>The date on which the objection are filed by deferent opponents</i>  | <i>26.02.2026</i>                                  |
| VI  | <i>The date on which the orders were passed on the said application</i> | <i>26.02.2026</i>                                  |

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

**ORDERS ON IA.No.VII**

This is an application filed by the petitioner under order VI rule 17 r/w Sec.151 of C.P.C. for amend the petition as sought in the IA.No.VII.

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

The petitioner has filed this petition seeking claim an account of injuries in the road traffic accident. At the time of filing of the petition, the petitioner filed the petition under Section 166 of MV Act instead of under Section 163(A) of MV Act. Hence, amendment of provision is necessary. If this application is not allowed, the petitioner will be put to irreparable loss and injury which cannot be compensated. **Hence filed I.A No.VII.**

3. The counsel for the respondent No.3 has filed an objection to application and contended that, the application filed by the petitioner is not maintainable either in law or on facts the same is liable to be dismissed in limine. The respondent No.3 further contended that, after lapse of 8 years, the petitioner has filed this application. The petitioner has filed false affidavit before this court. The case is set down for respondent evidence. In this stage, the application filed by the petitioner is not maintainable. **Hence, prayed that dismiss the application filed by the petitioner 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/petitioner proves that, IA.No.VII 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 petitioner has filed present application seeking amendment of petition. Now the case is posted for respondent evidence. At this stage, the petitioner has filed present application. The respondent No.3 has filed an objection to the application contended that, the application filed by the petitioner is not maintainable either in law or on facts.

8. The petitioner has filed this petition against the respondent for the relief of compensation an account of road traffic accident. Now the petitioner is intended to rectify the provision in the petition.

9. **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.***

10. In the present case trial already commenced, hence, the petitioner should show the due diligence to file the present application after lapse of about 8 years. The petitioner only rectify the provision mentioned in the application. It is not change the nature of petition. In the compensation petition, the amendment application treated liberally. Hence, the application filed by the petitioner is deserves to be allowed. **With these observations this court has answer the Point No.I in the Affirmative.**

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

**ORDER**

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

**The petitioner is permitted to amend the petition and furnish amended petition by 05.03.2026.**

(Dictated to the Stenographer, directly typed by her on the computer, Order corrected and signed by me, then pronounced by me in the Open Court on this the **26<sup>th</sup> day of February -2026**).

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