

ORDER PASSED ON I.A.NO.XVIII

Applicant/plaintiff has filed this application under Order VI Rule 17 R/w Section 151 of CPC., seeking amendment of plaint as per proposed amendment.

2. It is stated in the affidavit of plaintiff filed in support of application that, the plaintiff has filed suit against the defendants for the relief of declaration and injunction in respect of suit property. The proposed amendment is in respect of proper identification of boundary of suit property towards southern side. Due to oversight and typographical mistake, the proposed amendment was not included in the plaint at the time of filing of suit. As such, the proposed amendment is with respect to insertion of property details towards southern side of suit property, same will not change the nature of the suit nor cause of action. Therefore, the plaintiff may be permitted to amend the plaint as per proposed amendment. It is further stated that, if the application is allowed, no hardship will be caused to the defendant and on the other hand, if the said application is rejected, he will be put into irreparable loss and hardship will be caused to plaintiff. Hence, it is prayed to allow the application.

3. Advocate for defendant orally objected the application by stating that the application is not maintainable and prays to reject the application.
4. Heard both the Counsels and perused the entire records.
5. Upon hearing and on perusal of materials placed on record, the following Points that would arise for my consideration:-

POINTS

1. Whether the amendment is necessary for the purpose of determining the real questions in controversy between the parties?
2. What Order?
6. My findings to the above Points are as under:-
Point No.1 : In the Affirmative,
Point No.2 : As per final order for the following:-

REASONS

7. **Point No.1:-** The plaintiff has filed this suit against the defendant for the relief of declaration and injunction in respect of suit property.

8. Herein case, the plaintiff has sought for amendment of plaint as per the proposed amendment. The proposed amendment is relating to insertion of property details towards southern side of the suit property or direction of the property. The suit is one for declaration of title and ownership over the suit property, mandatory injunction and also permanent injunction. The proposed amendment is just showing the direction of property. As such, the proposed amendment being insertion of direction, it is just and proper to allow the application. Therefore, this court is of the opinion that, it is just and proper to consider the application filed by the plaintiff. Otherwise, definitely it would amount to curtailing the liberty of plaintiff to put forth the case, from which, it would cause injustice to the plaintiff. Since, the proposed amendment is in respect to subject matter of the suit, if amendment is allowed, no cause of action nor nature of suit will change. ***Hence, this court answered the Point No.1 in the Affirmative.***

9. **Point No.2:-** In view of the reasons assigned in above, this court proceed to pass the following:-

ORDER

I.A.No.XVIII filed by the
applicant/plaintiff under Order VI Rule 17
R/w Section 151 of CPC is hereby
allowed.

Accordingly, plaintiff is permitted to
amend the plaint as per the proposed
amendment and filing amendment plaint
within 14 days as per provided under
law.

For amendment.

Call on

(Dictated to the Stenographer on Computer directly, typed by him, Order corrected
and signed by me, then pronounced by me in the Open Court on this the **17th day of
March-2026**)

**Prl. Civil Judge & JMFC,
Nagamangala.**