

ORDERS ON APPLICATION UNDER ORDER 6 RULE
17 OF CPC

This suit is filed by the Plaintiff bank seeking recovery of Rs.1,69,635/- in which now when the matter was posted for plaintiff evidence, Plaintiff has filed application under Order 6 Rule 17 of CPC seeking permission to amend the plaint so as to correct the claim amount payable by the Defendant in prayer column.

2. In support of the application Senior branch Manager of Plaintiff bank has sworn to the affidavit contending that due to typographical error in para – 12 and column 1 to 3, para – 14, in the prayer column amount was wrongly mentioned in the plaint, hence it is necessary to permit the Plaintiff to amend the plaint.

3. To this application Defendants have filed objection stating that application is not maintainable either in law or on facts and it is liable to be dismissed. Application filed by the Plaintiff is belated, in fact after filing the suit Plaintiff bank called the Defendant and given letter of final amount and total figure of the loan amount due by the Defendant and bank has assured to close the case and Defendant has paid entire

amount due by the Defendant on 19.02.2024. But now after payment of the amount due by Defendant Plaintiff bank has filed application for amendment with intention to make wrongful gain, therefore application of the Plaintiff is liable to be rejected.

4. On perusal of the facts and circumstances of the case it appears that, as the Plaintiff has filed present application before commencement of the trial, same needs to be allowed. Further the contention of the Defendants about Plaintiffs assurance to close the loan on payment of certain amount can be looked into at the time of disposal of the suit on merits. Therefore it is decided to allow the application. Hence following;

ORDER

The application filed by the Plaintiff bank under Order 6 Rule 17 of CPC is hereby ***allowed***.

For amendment and
amended plaint.

Call on 08.06.2026.

**II Addl. District & Sessions Judge,
Mysuru.**