

KAMS080013342023



**IN THE COURT OF PRINCIPAL SMALL CAUSES AND SENIOR
CIVIL JUDGE & MACT, AT MYSURU**

PRESENT

SRI. AFTHAB K

Dated this the 17th day of February, 2026

MVC.808/2023

Petitioner/s

Sri. Chidananda H.B. @ Ananda S/o. Basavaraju,
Age: 22 years, R/at No.307, Hullekere village,
Gandsi hobli, Arasikere taluk, Hassan district.

(By Sri. H.R. Mahadevaprabhu, Advocate)

Vs.

Respondent/s:

The Manager, KSRTC Rural Division,
Bannimantapa, Mysuru-570015.
Owner of the KSRTC bus bearing No.KA-06/F-1280

(By – Sri. R. Kiran, Advocate)

PARTIES TO I.A.

Applicant:

The Manager, KSRTC Rural Division

Vs.

Opponent:

Sri. Chidananda H.B. @ Ananda

** *

ORDERS ON IA NO. XI UNDER ORDER VI RULE 17 OF C.P.C.

The application under consideration is filed by the respondent under Order VI Rule 17 of C.P.C. seeking amendment of objections to main petition filed by respondent, as set out in the application.

2. The application is supported by affidavit sworn by the Divisional Controller of respondent corporation wherein it is contended that KSRTC bus bearing No.KA-06/F-1280 pertains to Tumkur Depot and the accident occurred within the limits of Hassan Depot and the same is clear from the fact that FIR is registered at Gandasi police station. Furthermore, the petitioner is resident of Gandasi hobli, Arasikere taluk, as such, if not at Tumkur the petition should have been filed before the tribunal at Arasikere taluk or Hassan and yet the petition is filed before this tribunal, as such, the petition is not maintainable as this tribunal lacks territorial jurisdiction to try the case. Further the Divisional Controller of Tumkur Division should have been arrayed as party to the petition, as such the petition is bad for non joinder of necessary parties. It is these contentions that the respondent seeks to incorporate in the pleadings. Further the facts sought to be included by way of amendment are essential for proper adjudication of the case. Further in the event of the application of the respondent being rejected, the respondent will be subjected to irreparable loss inconvenience on the other hand no hardship would be caused to the

defendants if the application is rejected. On these grounds, the applicants seeks to allow the application.

3. Upon service of copy of the application, the petitioner filed objections contending that the IA is neither maintainable under law nor facts and hence is liable to be dismissed *in limine*. Further the application is filed when the matter stands posted for respondent's evidence and the intention of the respondent is to harass the petitioner, as such the application is liable to be rejected. Further admittedly, the KSRTC is functioning at Mysuru as well and the Mysuru Division is one of the Divisions of KSRTC as such the petitioner is very much maintainable before this tribunal, as the place of business of the respondent is within the limits of this tribunal. Further the intention of the applicant is to protract the proceedings, as such the application is liable to be rejected. Further the application is filed with an intention to drag the matter and the facts asserted in support of the application are all false. On these amongst other grounds, it is prayed that the application be rejected.

4. Heard the learned Counsel for the respondent and petitioner.

5. The points that arise for the consideration of this court are as under:

(i) *Whether the amendment sought in the application is necessary for the purpose of determining the real questions in controversy in this petition?*

(ii) *What order?*

6. After carefully analyzing the averments in the application, objections and also the arguments canvassed by the learned Counsel for

plaintiff, the aforesaid raised points for consideration are answered as under:

Point No.(i):- In the affirmative,

*Point No.(ii):- As per final order
for the following reasons*

REASONS

7. Point No.(i):-

At the very outset it is necessary to set out that the respondent has filed the application seeking necessary amendment in the objections to main petition filed by it when the matter is posted for respondent's evidence on main. Furthermore by way of amendment all that the respondent seeks to include in the pleadings is additional plea regarding lack of jurisdiction and non impleadment of necessary parties which are not contrary to the stand already taken by the respondent corporation nor does it tantamount to taking away any admissions.

8. Further the objections raised by the petitioner is on factual aspect which cannot be appreciated at this stage, as it must be borne in mind that the court cannot get into the merits of the proposed amendment. Hence viewed from any angle, the contention of the petitioner cannot be accepted. Having observed so, it becomes incumbent upon this court to clarify that merely by permitting the respondent to take up that contention, would not tantamount to dispensing with proof of the same as the respondent would still have the onus to prove the same.

9. Further as regards the delay the provision of Order VI Rule 17 of CPC, the respondent corporation has contended that the facts sought to be included by way of amendment are material as it concerns the relationship of the parties. Though the reason for delay is vague, where the the provision of Order VI Rule 17 of CPC categorically provides that where the amendment is necessary for the purpose of proper determination of dispute between the parties, it may be allowed even after commencement of trial. Furthermore when such being the law, it is more than obvious that the application can be allowed without hesitation especially where the same is very much necessary for the purpose of determining the real question of controversy between the parties. It is also for this very reason that this court considers that the amendment is necessary to determine the real points in controversy between the parties. As such this Court holds the *point No.1 in the affirmative.*

10. **Point No.ii:-**

In view of the finding of this Court on point No.1, this Court proceeds to pass the following:

ORDER

“IA No.VI under Order VI Rule 17 of C.P.C. filed by the respondent is hereby allowed as prayed for.

Consequently, the respondent is permitted to carryout the amendment as sought in the application.

Further the respondent shall carryout the amendment within 14 days from the date of this order as provided

for under Order VI Rule 18 of C.P.C. and also file the amended objections to main petition filed by respondent in compliance under Order VI Rule 15 of C.P.C. (Karnataka amendment)."

(Dictated to the stenographer, corrected by me and then pronounced in the open court on this the 17th day of February, 2026)

(AFTHAB.K.)
Prl. Judge, Court of Small Causes
& MACT., Mysuru.