

**ORDERS ON IA-II FILED
U/O 6 RULE 17 OF CPC**

Plaintiff has filed the application seeking permission to amend the plaint as sought in the application.

2. In the accompanying affidavit the plaintiff has stated that the suit is filed against the defendant seeking for declaration and consequential relief of permanent injunction in respect of suit schedule property. At the time of filing the suit, the defendant's bank name wrongly mentioned in para No.5 of the plaint, the said fact came to know recently. Hence, the application.

3. To the said application, defendant has filed her objection that the application is not maintainable in the eye of law and liable to be dismissed. The plaintiff filed the application only with an intention to harass the defendant. He sworn to false affidavit and utterly failed to make any valid ground. The plaintiff filed application at the time of evidence, it clearly shows and demonstrate the ulterior motive of the plaintiff. Hence, prayed to dismiss the application

4. In the background facts and circumstance, I have heard the learned counsel for the plaintiff and defendant. On careful and meticulous perusal of the materials available on record it is found that the plaintiff has filed the present suit against the defendant for declaration and permanent

injunction with respect to the suit schedule property. Now by way of amendment plaintiff is seeking to amend the plaint to delete words "Karnataka Bank, Hunsur Branch, Hunsur for encashment", in para No.5 of the plaint and to add "Navanagara, Urban Co-operative Bank Ltd., Hunsur". It is stated that by oversight those words are incorporated inadvertently. On perusal of above said contentions and objection filed by the defendant it appears that there is no doubt the application for amendment is brought by the plaintiff for correction of bank name which is wrongly mentioned in the plaint but admittedly before commencement of trial. Further there is no bar to allow the application for amendment of pleadings which are necessary to resolve the dispute between the parties effectively on merits. If the proposed amendment will not cause any harm or injury to the adverse party, same can be allowed since the proposed amendment to plaint to change the bank name will not cause any harm or injury to the defendant. The court should be liberal when considering the amendments, especially if the amendment is requested before the trial begins.

5. Therefore, in view of the above said basic principles on amendment of pleadings, the objection of the learned counsel for the defendant sans merit and does not hold any water. In the light of background facts, the application for amendment deserves to be allowed just to resolve the controversy between the parties and to minimize the litigation. Hence, I proceed to pass the following;

O R D E R

IA No.II filed by the plaintiff U/O
6 Rule 17 of CPC is hereby allowed.

The plaintiff is permitted to
carryout necessary amendment as
sought for and to furnish amended
plaint by 26.3.2025.

Prl. Senior Civil Judge & J.M.F.C.,
Hunsur.