

KAMS300001622024



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE
AND JMFC AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Addl. Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 09th day of January 2025.

OS No.29/2024

- Plaintiffs: 1. Smt.Chandrakala, W/o Venkateshaiah,
Aged about 44 years, R/at Gadagala Street,
Belagola, Srirangapatna Taluk,
Mandya District.
2. Smt.T.S.Mahalakshmi, W/o M.H.Premkumar,
Aged about 42 years, R/at Rathnapuri Colony,
Kudineeru Muddanahalli, Bilikere Hobli,
Hunsur Taluk, Mysuru District.

-Vs-

- Defendants: 1. Smt.Lakshamma, W/o Siddegowda,
Aged about 66 years,
2. Sri.T.S.Mahesh, S/o Siddegowda,
Aged about 46 years,
- The defendants No.1 and 2 are
Residing at Thenkanakoppal Village,
Bilikere Hobli, Hunsur Taluk,
3. Smt. Vijayalakshmi, D/o Siddegowda,
W/o Ravikumar, Aged about 40 years,
R/at Doodagaadiganahalli Village,

Bookanakere Hobli, K.R.Pete Taluk,
Mandya District.

4. Sri.Siddegowda, S/o Channarasegowda,
Aged about 70 years, R/at Thenkanakoppal
Village, Bilikere Hobli, Hunsur Taluk,
5. Smt.Manjula, W/o Sunil Kumar,
Aged about 45 years, R/at No.21,
Hongaiah City, Papaiah Block,
Behind Vinayaka Medicals, Railway
station Road, KRS Srirangapatna Taluk,
Mandya District.

1.	Provision under which the application is filed	:	Under Order 6 Rule 17 R/w Section 151 of CPC
2.	Relief sought for	:	Amendment of plaint
3.	The date on which the application is filed	:	19.10.2024
4.	Number of the application	:	IA No.VII
5.	The date on which the objection is filed by opponent	:	NIL
6.	The date on which the orders passed on the said application	:	09.01.2025

ORDERS PASSED ON IA NO.VII

The learned counsel for the plaintiffs filed IA.No.VII under Order 6 Rule 17 R/w Section 151 of CPC to amend the plaint by in respect of mentioning the name of place at para No.4, page No.4, line No.6.

2. The application is supported with the affidavit of the 2nd plaintiff wherein it is stated that, they have filed the suit against the defendants seeking the relief of partition and

separate possession. Due to oversight and due to typographical error the place has been wrongly mentioned at page No.4, Para No.4 and line No.6. The said mistake is typographical error and it is necessary to amend the same in order to effectively adjudicating the matter in dispute. If the application is allowed no hardship is going to be caused to the other-side. On the other-hand if the same is not allowed has plaintiffs will be put to great hardship.

3. After filing this application this court provided sufficient opportunity for the defendants to file the objection. In spite of the same the defendants not chosen to file the objection and the same has been taken as nil.

4. Thereafter, heard arguments addressed by learned counsel for the plaintiffs and perused the entire case paper.

5. This is the suit filed by the plaintiffs against the defendants seeking the relief of partition and separate possession of their 2/6th share in the suit schedule properties. It is pertinent to note that after filing of this suit this court issued summons to the defendants. Defendants No.1, 2 and 4 have been placed exparte. Defendants No.3 and 5 have appeared through their counsel but not chosen to file the written statement. This application is filed when the case is posted for plaintiff evidence. Admittedly, trial has not been commenced. The proposed amendment is only with regard to typographical error mentioned with respect to the place. The proposed amendment will not change the nature of the suit

and cause of action. The proposed amendment is very much necessary to adjudicate the matter in dispute. Hence, this court proceeds to pass the following:

ORDER

IA No.VII filed by the plaintiffs under Order 6 Rule 17 R/w Section 151 of CPC is hereby allowed.

Accordingly, the plaintiffs are permitted to amend the plaint as sought for.

No order as to costs.

(Dictated to the Stenographer, transcribed and computerized by her on the computer, transcript corrected and pronounced by me in the open court on this the 09th day of January, 2025)

(Anitha)

Addl. Senior Civil Judge and JMFC,
Hunsur.