

**IN THE COURT OF ADDL. CIVIL JUDGE & JMFC, HUNSUR**

**Dated this the 8<sup>th</sup> day of October, 2025**

**:Present:**

**Smt. Namrata S Hosmath, B.A., LL.B.,  
Addl. Civil Judge & JMFC,  
Hunsur.**

**O.S.No.175/2019**

<b><u>PLAINTIFF:</u></b>		Mayamma
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**// Vs //**

<b><u>DEFENDANTS:</u></b>		Dharmaraj and others
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**PARTIES TO I.A. NO.I**

<b><u>APPLICANT</u></b>	:	Mayamma	.....	plaintiff
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**V/s**

<b><u>OPPONENTS</u></b>	:	Dharmaraj and others	.....	defendants
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i	Provision under which the application is filed	U/o VI Rule 17 R/w Sec. 151 of CPC
ii	Relief Sought for	To amend the plaint
iii	The date on which the application is filed	10.10.2023
iv	Number of the application	I
v	The date on which the objection is filed by opponent	25.11.2023
vi	The date on which the order was passed on the said application	08.10.2025

**ORDERS ON I.A. NO.I**

The plaintiff has filed the present interlocutory application, numbered as I.A. No. I, under Order VI Rule 17 of the Code of Civil Procedure, seeking amendment of the plaint.

2. In the affidavit filed in support of the application, the plaintiff avers that the suit has been instituted for declaration and possession. It is stated that in the 'B' schedule, boundaries has been inadvertently omitted, it is required to be inserted. The plaintiff contends that this is a typographical error and seeks to rectify the same to enable proper and effective adjudication of the real dispute between the parties.

3. Per contra, the defendants have filed objections opposing the application. It is contended that the application is neither maintainable in law nor on facts. The defendants further submits that the application has been filed with the intention of delaying the proceedings. It is also argued that the plaintiff has filed this application after lapse of four years. The defendants further argues that allowing the application will change the nature of the suit. On these grounds, the defendants pray for dismissal of the application.

4. Heard the learned counsel for the respective parties and perused the materials available on record.

5. The points that arise for consideration are:-
- 1) Whether the plaintiff has made out sufficient grounds to allow the amendment sought for the effective adjudication of the matter in dispute?
  - 2) What order?
6. My findings on 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:-** From the pleadings, it is evident that the plaintiff seeks to correct typographical errors, specifically in the schedule portion found at page No. 4 of the plaint. The suit is presently at the stage of plaintiff's evidence, and the trial has not yet commenced. The proposed amendment do not introduce any new cause of action nor does it alter the fundamental nature or character of the suit. This correction appears to be bonafide and is material for the proper adjudication of the dispute.

8. Since the present lis revolves around the application under Order **VI Rule 17 of the Code of Civil Procedure**, it is pertinent to refer to the said provision. which is extracted hereinbelow:

**Order 6 Rule 17 of CPC;  
Amendment to Pleading ⇒**

*The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.*

9. The provision makes it clear that the guiding test for allowing or rejecting an amendment is whether it is necessary for determining the real questions in controversy and for ensuring the just and effective adjudication of the matter.

10. It is a well-settled position of law that amendments which are necessary for determining the real issue in controversy, and which do not cause prejudice to the other side or alter the core nature of the suit, may be allowed even at a belated stage, if such allowance is in the interest of justice. I have carefully examined the application. The amendment sought does not change the nature of the suit or defence. It is limited to correcting unintentional and typographical error. Considering the facts and circumstances of the case, this Court is of the considered view that the

amendment is genuine, necessary for the just adjudication of the real controversy, and will help avoid multiplicity of proceedings. Further, no irreparable prejudice is shown to be caused to the defendants which cannot be compensated by way of appropriate costs. It is a well-established principle that procedural technicalities should not defeat the cause of substantial justice. Accordingly, this Court finds that sufficient grounds have been made out to exercise its discretion in favour of allowing the amendment sought. Hence, this court answers **Point No.1** in the **affirmative**.

11. **Point No.2:** In view of aforesaid discussions, this Court proceed to pass the following

**ORDER**

The I.A.No.I filed U/o 6 Rule 17 by the plaintiff is hereby allowed.

The plaintiff is hereby permitted to carryout the amendment as annexed in the application.

For amendment and amended plaint  
by 31-10-2025

**(NAMRATA S HOSMATH)**  
1<sup>st</sup> Addl. Civil Judge & JMFC.,  
Hunsur