

KAMS710012222018



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE &
J.M.F.C., AT T.NARASIPURA**

Dated this the 06th day of February 2026

:PRESENT:

Sri. SACHIN .H.R, BA. L L B.,
Prl. Civil Judge & JMFC., T.Narasipura.

O.S.No.217/2018

PLAINTIFF/s : *Smt.Chandramma & others*

(By Sri.M.D., Advocate)

V/s

DEFENDANT/s : *Smt.Maramma & others*

**(Def.No.1, 2 & 11 By Sri.B.M.N., Adv.,)
(Def.No.3 to 10 & 12 - Exparte)**

I.A.No.VI

APPLICANT/S : *Sri.Siddaraju (plaintiff No.2)*

V/S

OPPONENT/S : *Smt.Maramma & others (defendants)*

ORDERS ON I.A.No.VI

*The Applicants/Plaintiffs have filed I.A.No.VI under
Order 6 Rule 17 R/w Section 151 of CPC seeking to cause*

proposed amendments to the plaint as prayed for in the interest of justice and equity.

2. In support of the sail application the plaintiff No.2 has filed his duly sworn affidavit and as stated that certain typographical errors are crept in the plaint and the said mistake have to be rectified by way of proposed amendment and that the proposed amendments neither change the nature of the suit nor cause of action. Hence prays to allow the application.

3. Per contra, the defendants have filed their objections and have contended that, the application filed by the plaintiffs is not maintainable as the plaintiffs have not assigned proper reasons to allow the application. Hence prays to dismiss the application.

4. Heard arguments by the learned counsel for both the parties and perused the materials available on record.

5. The following points arise for my consideration:-

1. Whether the said application deserves to be allowed?

2. What order?

6. My answers to the above points are as follows:-

Point No.1 : In the **Affirmative**,

Point No.2 : As per the final order,
for the following: -

REASONS

7. **POINT No.1**:- The plaintiffs have filed this suit seeking for the relief of partition and separate possession against the defendants. After issuance of suit summons, the defendant No.1, 2 and 11 have appeared through their counsel and have filed their written statement and accordingly issues were framed and both the parties have led their evidence and when the matter is posted for cross examination of D.W.1, the plaintiffs have come up with the present application seeking to cause proposed amendments to the plaint as prayed for.

8. That it is the specific case of the plaintiffs that certain typographical error is crept in the plaint which has to be rectified and hence they have come up with the proposed amendments to the plaint as prayed for, which would not change the nature of the suit. On the other

hand, the defendants though have filed their objections they have not made any grounds to reject this application.

9. On perusal of the proposed amendments by the applicants, it is found that the said amendment does not take away any material admissions made by the plaintiffs, but it is necessary to establish the case of the plaintiffs and in order to decide the matter on merits after full and complete adjudication, the said application deserves to be allowed to avoid multiplicity of cases. Further, the proposed amendments fall necessary for the purpose of determining the real questions in controversy between the parties. Further, the said amendments do not change the nature of the suit or the cause of action. Hence, it is observed that if the said application is not allowed, the applicants will be put to great hardship and on the other hand no injustice would be caused to the defendants and the defendants reserves their right to submit their further statement in their defence and moreover the Hon'ble Apex Court in a case between Baladev Singh and other V/s Manohar Singh and another reported in AIR 2006 SC 2832 has held that the

*courts should be extremely liberal in granting the prayer of amendment of pleadings unless serious injustice or irreparable loss is caused to the other side. In the case on hand, this court opines that if the application is not allowed, the plaintiffs will be put to hardship and on the other hand, the hardship to be cause to the defendants can be met by imposing cost upon the plaintiffs. **Accordingly, I am inclined to answer the point No.1 in the Affirmative.***

POINT No.2:

10. *In the light of my due discussions on point No.1, I proceed to pass the following:*

ORDER

The I.A.No.VI filed by the Plaintiffs /Applicants U/O 6 Rule 17 R/w Sec.151 of C.P.C. is hereby allowed on cost of Rs.500/-.

Consequently, the plaintiffs are permitted to cause amendment to the plaint as prayed for.

(Dictated to the Stenographer, on computer and computerized by her, corrected by me, and then pronounced in the open Court on this the 06th day of February, 2026.)

(Sachin H.R.)
Prl. Civil Judge & J.M.F.C.,
T.Narasipura.

***(Order is pronounced in the open court
vide separate order)***

ORDER

*The I.A.No.VI filed by the Plaintiffs
/Applicants U/O. 6 Rule 17 R/w
Sec.151 of C.P.C., is hereby allowed
on cost of Rs.500/-.*

*Consequently, the plaintiffs are
permitted to cause amendment to the
plaint as prayed for.*

*To cause amendment to the
plaint and to furnish amended
plaint by 07.03.2026.*

***Prl. Civil Judge & J.M.F.C.,
T.Narasipura.***

