

KAMS710019262015



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

Dated this the 11th day of August 2025

:PRESENT:

Shri. SACHIN .H.R, BA. L L B.,
CIVIL JUDGE & J.M.F.C.,
T.NARASIPURA

O.S.No.337/2015

PLAINTIFF/s : *Sri.Puttamallaiah and others*

(By Sri.J.P., Advocate)

V/s

DEFENDANT/s : *Smt.Siddarajamma and others*

(By Sri.S.J., Advocate)

I.A.No.VII

APPLICANT/S : *Sri.Puttamallaiah and others*
(plaintiffs)

V/S

OPPONENT/S : *Smt.Siddarajamma and others*
(defendants)

ORDERS ON I.A.No.VII

The Applicants/Plaintiffs have filed the I.A.No.VII under Order 6 Rule 17 R/w Section 151 of CPC seeking to cause proposed amendment to the plaint as prayed for in the interest of justice and equity.

2. *In the affidavit filed in support of the said application, the plaintiff No.2 has filed his duly sworn affidavit and has stated that the plaintiffs have filed this suit for the reliefs of Declaration and Possession and for consequential relief of Permanent Injunction against the defendants in respect to the suit schedule property, wherein which, the measurement of the suit schedule property is wrongly mentioned in the plaint unintentionally. Thus the plaintiff has filed this application seeking for the proposed amendments to the plaint at page No.4, para No.2, line No.4 after 25 add + 12 mola (55 ½ F) and delete from mola (37 ½ F) towards eastern side 12 mola 18 F and at page No.13 C schedule line No.3 after East-West 8 mola add (12 feet) delete (12 ½ feet) after South to North 12 mola add (18 feet)*

delete (18 ½ feet) as prayed for. Accordingly, prayed to allow the application.

3. Per contra, the defendants have filed their objections and have contended that there is no clarity in the proposed amendment sought by the plaintiffs and the proposed amendment alters the true scope of the suit and further no valid reasons are assigned to consider the application and thus the application filed by the plaintiffs is not maintainable under the law. 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 declaration and possession against the defendants. Thereafter, after issuance of suit summons, the defendants have appeared through their counsel and have filed their written statement and accordingly issues are framed and when the matter is posted for the plaintiff evidence, the plaintiffs have come up with the present application seeking for the proposed amendment to the plaint as prayed for.*

8. *That it is the specific case of the plaintiffs that the measurement of the suit schedule property is inadvertently wrongly mentioned and thus it is necessary to amend the plaint to avoid miscarriage of justice and hence prays to allow the application. On the other hand, in their objections the defendants have not made any strong grounds to reject the application.*

9. *On perusal of the proposed amendment by the applicants, it is found that the said amendment does not*

take away any material admissions made by the plaintiffs, but just and necessary to establish the case of the plaintiffs and in order to decide the matter on merits after full and complete adjudication and hence the said application deserves to be allowed to avoid multiplicity of cases. Further, the proposed amendment falls necessary for the purpose of determining the real questions in controversy between the parties. Further, the said amendment altogether does not change the entire 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 additional written statement in their defence and moreover the Hon'ble Appex 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.VII 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.1,000/-.

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 11th day of August, 2025.)

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

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

ORDER

*The I.A.No.VII 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.1,000/-.*

*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
10.10.2025.*

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

