

KAMS710004222021



IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND
JMFC AT T.NARASIPURA

Dated this the 28th day of January 2026

Present: **Smt. Niveditha N., B.A.L., LL.B, LL.M.,**
I Additional Civil Judge & JMFC., T.Narasipura.

O.S./56/2021

Applicant: Babajan
..... plaintiff

V/s

Opponents: Pasha and Others
..... defendants

i.	Provision under which the application is filed	Order 6 Rule 17 of CPC
ii.	Relief sought for	Amendment of plaint
iii.	The date on which the application is filed	12/04/2022
iv.	Number of the application	No.3

V.	The date on which the objections are filed by different opponents	10/08/2022
vi.	The date on which the orders were passed on the said application	28/01/2026

Order on IA No.3 filed under order VI Rule 17 of CPC

1. The plaintiff has filed this application seeking to permit him to amend the plaint as mentioned hereunder:

Amendment sought for:

To delete the schedule A property bounded on

East by: Property of Ibrahim Saab

West by: Galli and property of Mohammed Anwar

North by: Property of defendants No.1 to 3

South by: Road

Schedule B property bounded on

East by: Property of Budan Saab

West by: Galli and property of Mohammed Anwar

North by: Plaintiff “A” Schedule property

South by: Property of Defendants 1 to 3

In the prayer of the plaint and substitute the same by

A SCHEDULE

East by: Property of 1st Defendant

West by: Galli and property of Mohammed Anwar

North by: “B” Schedule property

South by: Road

B SCHEDULE

East by: Property of Ibrahim Saib

West by: Galli and property of Mohammed Anwar

North by: Ameer property

South by: Property of A Schedule and Defendants 1 to 3
Property.

2. In the accompanying affidavit, the plaintiff has stated that at the time of filing of the suit, due to typographical error and by over sight some wrong boundaries are mentioned in the schedule. The said mistake is only typographical error. The proposed amendment will not change or alter the nature of the suit. Hence, prays to allow the application.

3. Per contra, the defendant No.6 has filed objections to the above application and contended that the plaintiff has filed the above suit by giving a false boundaries in order to obtain relief to harass the defendants. The application is filed after a long gap and thus the application is belated one and as such it is not a typographical mistake. The amendment changes the very nature of the suit. Hence, prays to dismiss the application.

4. Heard the argument of counsel for both parties.

5. The following points are arise for my consideration:

1) Whether the proposed amendment is necessary for determining the real question in controversy between the parties?

2. What Order?

6. Perused the documents available on record.

7. My answer to above points are as under:

Point No.1 : In the Affirmative

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

REASONS

8. Point No.1: The plaintiff has filed the suit seeking for the relief of declaration and permanent injunction in respect of the suit schedule property. The defendant No.6 has filed objection to the above application.

9. On perusal of the materials available on record it discloses that the plaintiff has filed the suit for the relief of declaration and permanent injunction in respect of suit schedule property. When the matter is pending for consideration, the plaintiff has filed the present application. In the affidavit the plaintiff has stated that due to typographical error wrong boundaries were mentioned in the schedule. Hence, it is necessary to correct the said mistake by mentioning the correct boundary.

Order 6 Rule 17 of CPC reads as follows:

“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.

Provided that no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial”

10. In view of the above provision, the amendment of the pleadings after commencement of evidence of the parties, cannot be permitted without due delinquency. But in the present case, the evidence of plaintiff is not yet commenced. Hence, in order to avoid multiplicity of proceedings, it is just and necessary to allow the application. If the application is allowed the burden is on the plaintiff to prove the amendment sought in the application. If the application is allowed no prejudice will cause to the defendants. The

amendment sought in the application will not change the nature of suit nor cause of action. **Hence, this court proceeds to answer Point No.1 in the Affirmative.**

11. Point No.2: In view of the answer and reasons stated in point No.1, this Court proceed to pass the following;

ORDER

IA.No.3 filed by plaintiff under order 6 Rule 17 of C.P.C is hereby allowed with costs and thereby permitted the plaintiff to amend the plaint and to file amended plaint.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 28th day of January 2026]

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**

(Order pronounced in open court vide separate order)

ORDER

IA.No.3 filed by plaintiff under order 6 Rule 17 of C.P.C is hereby allowed and thereby permitted the plaintiff to amend the plaint and to file amended plaint.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**