

IN THE COURT OF ADDL. SENIOR CIVIL JUDGE,
RAMANAGARA

:PRESENT:

Smt. K.Srividya, B.A.L., LL.M.,
Addl. Senior Civil Judge,
Ramanagara.

O.S.668/2013

DATED : THIS THE 17th DAY OF OCTOBER 2016

Plaintiff : Smt. Venkatamma.
- V/s -

Defendant : T.Kumar.
* * * *

I.A. dated 30.01.2016

Applicant : Smt. Venkatamma. (Plaintiff)
-V/s-

Opponent : T.Kumar (Defendant)
* * * *

Orders on I.A. dated 30.01.2016

I.A. is filed by the plaintiff under Order 6 Rule 17 of CPC seeking permission to amend the plaint. It is accompanied by affidavit. Objection is filed to the said application.

2. In the affidavit accompanying the application, the plaintiff submits that she has filed a suit against the defendants for Declaratory relief. Recently, after changing the counsel the present counsel has brought to the notice that the survey number in the schedule is wrongly mentioned. Hence, there is typographical error in the schedule. Hence, prays for allowing the application.

3. In the objection apart from usual denial of the averments mentioned in the affidavit accompanying the applications, the defendants submit that the intention of the plaintiff is to protract the proceeding and harass the defendants. Further submit, proposed amendment would change the nature of suit and cause of action. Further contend, no document is produced to show that Sy.No.32/2 property belonged to the

plaintiff. Hence, prays for rejection of the application with heavy cost.

4. The following points arise for my determination.

(1) *Whether the proposed amendment is necessary to determine the real controversy between the parties?*

(2) *What order ?*

5. Heard the Counsel for plaintiff Sri.P.V. and counsel for defendant Sri.C.H.K.

6. My findings on the above points are as follows.

Point No.1 : In the Affirmative.

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

REASONS

7. POINT No.1 : Heard the counsel and perused the records. The suit is filed for Declaration and Permanent Injunction. On perusal of the plaint in para 3, the plaintiff claims to be owner of Sy.No.32/2, measuring to an extent of 0.27 guntas excluding 1 gunta situated at Aralalusandra Village, Bidadi Hobli. However, in the schedule it is show as Sy.No.32. Hence, there is a typographical mistake in the

description of the survey number in the schedule. The said typographical mistake is to be rectified in order to effectively adjudicate the matter in dispute. Further, issues are yet to be framed in this case. Hence, on that ground also the amendment could be allowed. Whether the plaintiff is the owner of Sy.no.32/2 property or not is a matter to be established during the course of trial. The proposed amendment does not change the nature of suit nor cause of action. Hence, based on above said reasons, **Point No.1 is answered in the Affirmative.**

8. Point No.2 : Based on findings in Point No.1, proceed to pass the following

ORDER

I.A. dated 30.01.2016 filed by the plaintiff under Order 6 Rule 17 of CPC is hereby allowed. No cost.

The plaintiff is directed to carry out amendment of plaint by next date without fail.

(K. SRIVIDYA)
Addl. Senior Civil Judge,
Ramanagara.