

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND CJM, RAMANAGARAM**

Dated This 26th day of November 2019

PRESENT:

Sri N.S.Kulkarni

B.Com., LL.B., Spl.,

**Prl., Senior Civil Judge and CJM,
Ramanagara.**

O S 495/2012

Plaintiff :- Sri. S. Nanjappa since dead by his LRs

(By Sri. C.J.A., Advocate)

V/s

Defendants :- Smt. Padmavathi & others

(D1 to 4 rep by Sri. J.P/P.V., Advocate)

(D5 and D6 Rep by Sri. M.C.D., Advocate)

(D7 rep By Sri. A.G.P. Advocate)

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**ORDERS ON I.A-VII FILED BY DEFENDANTS 5
AND 6 U/O 6 RULE 17 R/W SEC.151 of CPC**

The defendants 5 and 6 have moved this application seeking permission of the court to amend the written statement to the effect made mention off in the body of their application.

2. In the affidavit appended to the application, the defendant No.5 deposed that, at the time of preparing our written statement due to typographical error the word i.e., 'Not' found missing in Page No. 2, para 3 at the last line in between the word 'schedule, is' and 'correct'. After they noticed that same, to get amend such error and accordingly the present application is filed. Wherefore, it is prayed to allow the application or otherwise the defendant No.5 and 6 will be put to hardship.
3. The plaintiff filed objections to the present application, wherein, they contended that, the defendants 5 and 6 in the averments of the application as well as affidavit has suppressed the material facts on record only with a sole intention to get a necessary order from this court. The facts and ground urged in the application are all contrary to the real facts and circumstance of the case and hence all the facts and grounds urged by the defendant No. 5 and 6 are denied as false. The amendment sought in the Page No.2 para 3 is not

valid in the eye of law. Hence, it is prayed to dismiss the application with costs.

4. In view of rival contention of the parties, the following point arise for consideration:-

Whether the proposed amendment is necessary for complete and effective adjudication of the suit and there is a ground for amendment?

5. Having heard the arguments of both the counsels, I have scrutinized the application in the background of pleadings of the parties and the stage of the suit. Now, my answer on the Point is in the "Affirmative" for the following reasons:-

REASONS

6. The proposed amendment is to include the word i.e., 'Not' in page No.2 at the last line of para No.3 in between the word of 'Schedule, is' and 'Correct' in the written statement on record. To be more precise, the proposed amendment is to only

add a word to the written statement of paragraph No.3 page No.2 that, the land bearing Sy.No. 199 situated at Kenchanakuppe village, Bidadi Hobli, Ramanagara Taluk, Ramanagara District in total measuring 3 acre 35 Guntas including 20 guntas karab land more fully described in the schedule, is 'not' correct in the written statement of defendants 5 to 7.

7. On perusal of the written statement and It is shown that the reasons for filing the amendment application is for valid reasons, the proposed amendment would no way change the defence of defendants 5 and 6 and would not amount to withdrawal of admissions. The objections as raised by the plaintiffs with regard to the present application is quite formal in nature. Apparently, the Trial of the suit is not yet concluded. Wherefore, the court is satisfied that, plaintiffs or the defendants will not put into hardship on allowing the present application by imposing cost because the suit being filed in 2012 this amendment is sought after 7 years. As such, I am

inclined to hold the point is in the “Affirmative”
and proceed to pass the following:-

ORDER

I.A No.VII filed by defendant
No.5 and 6 U/o 6 Rule 17 r/w
Sec.151 of CPC is allowed on cost
of Rs. 500/-

*(Dictated to the typist by online and then pronounced by me in the open Court on this the 26th
day of November 2019)*

**Prl., Senior Civil Judge & CJM,
Ramanagaram.**