

**IN THE COURT OF THE PRL CIVIL JUDGE AND
J.M.F.C AT CHANNAPATNA**

PRESENT: *Sri.Felix Alphonse Anthony,
B.A. L. L.L.B.,
Prl Civil Judge and J.M.F.C.
Channapatna.
(Holding concurrent charge of
Addl Civil Judge and J.M.F.C.,
Channapatna)*

Dated: *This the 26th day of October, 2016*

O.S.No.106/2015

PLAINTIFF: *Sri.Mahadeva, S/o Late.Puttaswamy,
Aged about 27 Years,
R/o No.382, Vinayaka Nagara,
Thatekere Village, Kasaba Hobli,
Channapatna Taluk.*

(Represented by Sri.M.K.N., Advocate)

V/s

DEFENDANT: *Smt.Mahadevamma @ Sumithra,
W/o Late.Rajesh, Aged about 25 Years,
D/o Late.Jayalakshamma,
R/o Vinayaka Nagara,
Thatekere Village, Kasaba Hobli,
Channapatna Taluk.*

(Represented by Sri.T.M.L.,Advocate)

I.A.No.3

<i>Between</i>	<i>Rank in I.A</i>	<i>Rank in Suit</i>
<i>Mahadeva</i>	<i>Applicant</i>	<i>Plaintiff</i>
<i>A N D</i>		
<i>Mahadevamma @ Sumithra</i>	<i>Opponent</i>	<i>Defendant</i>

ORDERS ON I.A. NO.3

- 1. The plaintiff filed the present I.A., under Order VI Rule 17 R/w Section 151 of C.P.C., seeking permission of the court to amend the plaint as per the proposed amendment mentioned in the I.A.*
- 2. In the affidavit filed in support of the I.A., the plaintiff stated that the plaintiff has filed the suit against the defendant for partition and that at the time of preparing the plaint a description of the property was not mentioned and that some of the averments have been wrongly mentioned and that the said mistake came to the knowledge of the plaintiff very recently and that the same has to be deleted and the property has to be added and that by amending the plaint the plaintiff is not seeking any new relief and the amendment will not change*

the nature of the suit among these grounds prays for allowing the I.A.

3. *On the other hand the defendant filed her objections and has resisted the I.A., filed by the plaintiff. In the objections the defendant has denied the averments of the affidavit and has contended that the proposed amendment will change the nature of the suit and that the relief sought in the plaint will be changed if the amendment is allowed and that the chief evidence of the plaintiff is already concluded and that at this stage of the proceedings the amendment cannot be allowed and that the defendant will be put to untold hardship if the amendment is allowed and among these grounds pray for dismissal of the I.A.*
4. *I have heard the arguments of both the sides/parties.*
5. *After hearing arguments of both the parties/sides, the points that arise for my consideration are:*
 1. ***Whether the plaintiff has made out sufficient grounds***

to allow the I.A., filed by him under Order VI Rule 17 of C.P.C., R/w section 151 of C.P.C.?

2. What Order?

6. *My answers to the above points are as here under:*

POINT NO.1: IN THE AFFIRMATIVE

POINT NO.2: AS PER THE ORDERS

For the following.....

REASONS

POINT NO.1:

7. *As stated above the plaintiff has filed the present I.A., under Order VI Rule 17 of C.P.C., R/w section 151 of C.P.C seeking permission of the court to amend the plaint as per the proposed amendment mentioned in the I.A. On the other hand the defendant has filed her objections and has resisted the I.A., filed by the plaintiff.*

8. *In the light of the above, on perusal of the contents of the I.A., it appears that the plaintiff by way of amendment intends to delete some words and insert a property. Thus on perusal of the contents*

*of the I.A., and amendment sought it appears that the same will not change the nature of the suit. On the other hand the defendant has raised the objections that delay is being caused and much hardship would be caused to the defendant. Though the defendant has raised such the hardship, the same can be met by imposing certain costs. Apart from the above if the I.A., is not allowed it would lead to multiplicity of the proceedings which would cause inconvenience not only to the plaintiff but also to the defendant. Thus in my opinion the plaintiff has made put sufficient grounds to allow the I.A. and thus in my opinion the I.A., filed by the plaintiff deserves to be allowed. Accordingly I answer the **POINT NO.1 IN AFFIRMATIVE.***

9. *In view of the above findings, I proceed to pass the following Order:*

ORDER

The I.A. No.3 filed by the plaintiff Under Order VI Rule 17 of C.P.C., R/w section 151 of C.P.C., is hereby allowed subject to payment of cost of Rs.300/-.

Accordingly the plaintiff is permitted to amend the plaint.

(Dictated to stenographer, transcribed by her, the transcript corrected by me and then pronounced in the open court on this the 26th day of October 2016)

*(Felix Alphonse Anthony)
Prl, Civil Judge and J.M.F.C,
Channapatna
(holding concurrent charge of
Addl Civil Judge and J.M.F.C.,
Channapatna*

(Order pronounced in the open court)

ORDER

*The I.A. No.3 filed by the plaintiff
Under Order VI Rule 17 of C.P.C., R/w
section 151 of C.P.C., is hereby allowed
subject to payment of cost of Rs.300/-.
Accordingly the plaintiff is permitted to
amend the plaint as sought for*

(Vide separate order)

*Prl., Civil Judge and J.M.F.C,
Channapatna
(holding concurrent charge of
Addl Civil Judge and J.M.F.C.,
Channapatna)*

*For amendment and amended
plaint by:*