

KARN320015802024



**IN THE COURT OF I ADDL. CIVIL JUDGE & J.M.F.C.
COURT AT KANAKAPURA.**

Dated: This the 06th day of March 2026

Present

Smt. LATHASHREE B.V., B.A., LL.B.,
I Addl. Civil Judge & JMFC,
Kanakapura.

O.S No.216/2024

Plaintiff : Smt. Rathnamma
W/o Shmbhulingaiah,
Aged about 67 years,
R/at No.11A/2/11, 19th main,
Near Presidency School,
Bommanahalli,
Bengaluru South,
Bengaluru – 560068.

-Vs-

Defendants 1 Smt. Rajamma
W/o late. Kempaiah,
Aged about 60 years,

- 2 Smt.Kamalamma
W/o Chikkanna,
D/o late. Kempaiah,
Aged about 49 years,
- 3 Smt. Gowri @ Gowramma
W/o Narasimhamurthy,
D/o late. Kempaiah,
Aged about 44 years,

All are R/at Near Water Tank,
Aryadharmaraja Workshop Road,
18th Ward, Kanakapura Town,
Kanakapura Taluk,
Ramanagara District.

Interlocutory Application No.12

Plaintiff/ : Smt. Rathnamma
Applicant
(By Sri. C.M.J., Adv.)

-Vs-

Defendants/ : Smt. Rajamma and others
Opponents
(By Sri. A.B.S., Adv.)

1	Provision under which the application is filed	:	Under Order 6 Rule 17 of C.P.C.
2	Relief Sought for	:	Amendment of Plaint
3	The date on which the application is filed	:	09.09.2025
4	Number of the application	:	One

5	The date on which the objection is filed by different opponents	:	15.11.2025
6	The date on which the common orders were passed on the said application	:	06.03.2026

Sd/-

(Lathashree B.V.)

I Addl. Civil Judge & JMFC,
Kanakapura.

ORDERS ON INTERLOCUTORY APPLICATION No.12
UNDER ORDER 6 RULE 17 R/W SEC.151 OF C.P.C.
FILED BY THE APPLICANT/PLAINTIFF

The plaintiff who is the applicant seeking necessary permission by this court to permit her for effecting the amendment as per the proposed amendment in respect to plaint in para No.2, page No.2 towards 5th line after the word west to delete “48” and to add “40”. Likewise, in plaint para No.4, page No.5 in 5th line after the word 20 to delete “20” and add “24”. Similarly, in the plaint page No.7 at 4th line of the schedule after the word west to delete “48” and to add “40”, in the interest of justice and equity.

2. In the affidavit accompanying the application, the plaintiff submitted that, the suit is filed for the relief of specific performance against the defendants. At the time of filing of the suit due to typographical error as well as the

plaint schedule the land measuring east to west wrongly mentioned as 48 feet instead of 40 feet and regarding the year with respect to reply notice is wrongly mentioned as 2020 instead of mentioning 2024. As such, corrections over the said mistake in the said suit is very much necessary and the said mistake is not intentional but with the bonafide reason of typographical error. Hence, in order to adjudicate the matter in dispute, the said amendment is necessary. Accordingly prays to allow the application.

3. In contra, the defendant No.1 to 3 have filed common objection by denying the entire averments of the application and stated that, they have already filed their written statement and also issues are framed and also already the plaintiff has led evidence and got exhibited in "P" series. Subsequently the above said application is filed to drag on the proceedings and the same is not maintainable. Hence, prays to dismiss the application.

4. Heard both the sides.

5. The following points arise for this court consideration:

1. Whether the applicant filed application under Order 6 Rule 17 R/w Sec.151 of C.P.C. is deserves to be allowed?
2. What Order?

6. The answers to the above points are as under:

Point No.1: In the Affirmative

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

REASONS

7. **Point No.1:** Before proceeding with the facts and circumstances of the present application in pursuance to the averments and counter averments raised by both the parties. It is just and necessary to ascertain certain factors which needs to be kept in mind while considering an application under Order 6 Rule 17 of C.P.C. with regard to the amendment sought in the plaint.

8. This court has carefully perused the proposed amendment. It is well settled principle of law that at the time of considering the proposed amendment the court should not discuss on merits about the amendment sought for. At this juncture, it is worth to note that the decision reported in **2016(1) KCCR 73 between Smt. Puttamaramma V/s Giriyappa and Others.**

“The Hon’ble High Court of Karnataka held that while dealing with application filed under Order 6 Rule 17 CPC the court not to go into correctness or falcity of case for amendment and court not to record any findings on merits of amendment sought for. Further the Hon’ble High Court of Karnataka held that even the amendment application can be filed at appellate stage and the rejection application is not proper”.

Pankaja and Another Vs. Yellappa (dead) by LRs and Others (2004) 6 SCC 415, wherein, the Hon’ble Apex Court has held that delay in filing the application for the amendment cannot itself be a ground to reject the same unless a serious prejudice was caused to other party and it was also further held that, an amendment subserving the ultimate cause of justice and avoiding further litigation should be allowed.

9. Now coming to the present application, the present suit is filed by the plaintiff seeking for the relief of specific performance against the defendants over the suit schedule property. When the stage was set down for further chief-examination of PW.1, the plaintiff filed the present

application and thereafter objection was filed by the defendants. Matter was heard. Now, the present application is taken for due consideration. Meanwhile, the said plaintiff has come up with the said application under Order 6 Rule 17 R/w Sec.151 of C.P.C. seeking amendment in the plaint that, due to typographical error in the plaint and plaint schedule is mentioned wrongly. Hence, she seek for amendment regarding the same.

10. In contra, the plaint averments is denied by the defendants stating that, they have already filed their written statement and also issues are framed and also already plaintiff has led the evidence and got exhibited in "P" series. Subsequently the above said application is filed to drag on the proceedings.

11. Here it is to be noted that, as per the due observation made by Hon'ble Constitutional Courts of India in the decision supra, it is made clear that, while adjudicating the said application a mini trial cannot be held. The veracity of said proposed amendment cannot be

adjudicated at the time of considering the present application and only factors which needs to be seen is that, the proposed amendment should not change the cause of action and nature of the suit and not cause irreparable loss to the other side.

12. Now keeping all these factors the present suit is admittedly for the relief of specific performance and as per the applicant there is a typographical error is occurred with respect to the plaint in para No.2, page No.2 towards 5th line after the word west to delete “48” and to add “40”. Likewise, in plaint para No.4, page No.5 in 5th line after the word 20 to delete “20” and add “24”. Similarly, in the plaint page No.7 at 4th line of the schedule after the word west to delete “48” and to add “40”. Hence, she intend to rectify the same. Hence, if the application is not considered the same would cause hindrance to the applicant in maintaining the very subject matter before the court. However, it is to be understood that, mere considering the prayer of amendment in itself will not prove the pleadings

of the plaintiff, the same however as to go through the burden of substantiation by oral and documentary evidence in order to prove the said aspect. Further, it is to be understood that, at present, the contentions raised by the applicant will however not change the cause of action and nature of the suit and inclusion of the said proposed amendment will however not change the very nature of the case or cause of action rather by including the same, the matter will be fully adjudicated at once and the same would avoid multiplicity of proceedings.

13. Hence, here it is to be understood that, by allowing the said application it would not change the nature of the suit would rather avoid multiplicity of proceedings and also aid in the proper adjudication of the matter. Hence, the same goes to show that, the applicant has made out sufficient grounds to allow the present application. Accordingly, this court is of the considered opinion that the application deserves to be allowed.

Hence, this court answered Point No.1 in the Affirmative.

14. **Point No.2:** In view of above made observations, this court proceeds to pass the following:

ORDER

The Interlocutory Application No.12 under Order 6 Rule 17 R/w Sec.151 of C.P.C. filed by the plaintiff is hereby allowed.

Further, the plaintiff is permitted to carry out the amendment as sought in the application before the concerned CMO as per the due procedure under law and also furnish the amended plaint before the CMO and office to verify the same and put up accordingly.

Office to make due compliance of the required procedure under law.

(Directly dictated to the Stenographer on computer, corrected, signed and then pronounced by me in the Open Court on 06th day of March 2026)

Sd/-

I Addl., Civil Judge & JMFC,
Kanakapura.