

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC,
AT GUBBI.**

Dated: this the 15th Day of October 2024

Present: Smt. ANUPAMA.D,

B.Com., LL.B.,

Senior Civil Judge and JMFC

O.S.109/2019

Plaintiff: Dasappa

V/s

Defendants: Jayamma & Others

Parties in I.A.No.VIII

Applicant: Ravish

.. Plff.L.R.1(c)

V/s

Opponents: Jayamma & Others

... Defendants

Provision under the Application	U/O.VI Rule 17 of CPC
Relief sought for	Amendment of plaint
The date on which the application is filed	24-06-2024
I.A. No.	VIII
Date on which objection filed by the defendants	27-06-2024

Date on which orders passed	15.10.2024
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**ORDERS ON I.A. No.8 FILED BY THE P.1(CO U/O.VI RULE
17 R/W.SEC.151 OF CPC**

This application is filed by the P.1(c) by seeking permission of this Court to amend the plaint schedule as prayed in the application.

2. It is stated in the affidavit filed in support of the application that, the plaintiff has filed this suit against the defendants for the relief of partition and separate possession. Now the case is set down for evidence of plaintiff. When his counsel was making preparation for his evidence, he came to know about certain mistakes crept in the plaint. These mistakes were intentional one and purely typographical errors. Despite the exercise of due diligence, he could not rectify the same earlier and now if the mistakes are allowed to be continued, it will come in the way of meeting ends of justice. Therefore, the same is required to be

rectified before commencement of his evidence. On these grounds he prays to allow the application.

3. Per contra, the defendants No.1 to 6, 8, 10, 11 and 13 have filed objections by contending that the plaintiff has already mentioned proper boundaries, Sy.Nos. and extents of the properties. This application filed by the applicant does not survive for consideration. This application is filed only to drag on the proceedings. The contents of affidavit sworn by the applicant are not satisfactory. Since there are no mistakes crept in the plaint schedule, this application does not survive for consideration. On these grounds they prayed to dismiss the application.

4. I have heard both sides and carefully gone through the case papers.

5. The points that would arise for my consideration are;

1. Whether the P.1(c) has made out satisfactory grounds to amend the plaint as prayed in the application?

2. What Order?

6. My answers to the above points are:-

Point No.1:- Partly Affirmative

Point No.2:- As per final order

For the following;

REASONS

7. Point No.1:- This suit is filed by the plaintiff against the defendants for the relief of partition and separate possession. In the schedule, the plaintiff has shown 5 numbers of properties as Schedule A to E. In those properties, he has shown Sy.No. extent and boundaries of all 5 properties. Now by way of this proposed amendment, he wanted to explain the proper measurement of the property which is the total extent in the said Sy.No. and the relief to which extent going to sought in this suit. Accordingly, he prays to amend the plaint schedule by mentioning the details of proper extent of the properties. Now the present case is set down for commencement of evidence of plaintiff. Issues have been framed on 27-01-2024 and evidence of plaintiff is not yet been commenced. If the present application is allowed, no hardship would be caused to the defendants. As such, evidence is not yet

been commenced. They would be getting an opportunity to cross examine the plaintiff side witnesses. Moreover, if the present application is allowed, it would give the clarity with regard to extent on which the plaintiff is seeking for the relief of partition and separate possession. It will also give details caused with regard to total extent of property in Sy.No. mentioned under schedule A and B.

8. However, since the Sy.No. and the place of property where is situated is also explained by the plaintiff and now he has to explain the total extent of the property in the said Sy.No. and the property to which he is going to sought for the relief of partition and separate possession has to be explained, amendment of entire details of the schedule A to E does not arise. Only the details with regard to total extent in the Sy.No. and the extent to which he is going to seek for the partition and separate possession has to be amended in the plaint. Hence, this application deserves to be allowed in part.

9. The plaintiff 1(c) is permitted to carry out the amendment as:

Schedule	Details to be deleted	Details of the words after which the words to be deleted	Details to be added	Details of the words after which the words to be added
A	"/2",	In the details of sy no.	"totally measuring 3 Acres including 5 guntas of kharab out of which".	Tumkur District
B	"consisting of around 35-40 coconut trees"	Immovable property	"1 Acre 34 guntas including 1 gunta of kharab out of which 31 ½ guntas (0.31.08)".	Tumkur District
C			"totally measuring 18 ¼ (o.18.04) guntas including 0.01.04 (1	Tumakuru District

			<i>¼) guntas of kharab out of which 17 guntas".</i>	
<i>D</i>	<i>"consisting of Farm House Areca plantation of 150 trees around 60 to 70 banana trees"</i>	immovable property	<i>"totally measuring 3 Acres out of which".</i>	<i>Tumakuru District</i>
<i>E</i>	<i>"consisting of 2 borewells and around 300 areca nut trees"</i>	immovable property	<i>"totally measuring 4 acres 15 guntas".</i>	<i>'Tumakuru District'</i>

The plaintiff No.1(c) is directed to observe these details discussing in the body of the order and carryout the amendment as shown in the above table. Accordingly, I answer Point No.1 partly in the Affirmative.

10. **POINT No.2:** For the foregoing reasons, I proceed to pass the following:-

ORDER

I.A.No.8 filed by P1(c) under
Order VI Rule 17 R/W.Sec.151 of
C.P.C. is hereby allowed in Part.

P1(c) is directed to carryout
amendment in the plaint schedule
by observing the discussion made
in the body of the order.

(On my dictation transcribed and typed by the Stenographer, print out taken by her, corrected and then pronounced by me in the Open Court on this the 15th Day of October 2024.)

Sd/-

(Smt.ANUPAMA D.)

**Senior Civil Judge & JMFC.,
Gubbi.**