



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI**

Dated this the 02nd day of February 2026

Present:

**Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi**

O.S. No. 369/2016

Plaintiff :- Smt. Prema

-V/s-

Defendants :- Smt. Lalithamma & Others

CAUSE TITLE ON IA No.7

Applicant : - Smt. Prema

(By Smt. S.R. Advocate)

-V/s-

Respondents :- Smt. Lalithamma & Others

(D.1 to 5 by Sri. B.L. Advocate)

(D.7 by Sri. D.M., Advocate)

:ORDER ON I.A. No.7:

The plaintiff has filed IA No.7 U/O 6 rule 17 of CPC praying for leave of the court to amend the plaint as indicated there in. The proposed amendment reads as follows:



In the plaintiff schedule in 1st line, After the word Sy. No.73/1 insert “New Sy. No.73/6”.

02. In the accompanying affidavit, it is stated that plaintiff has filed this suit against the defendants seeking the relief of partition and separate possession and such other relief. The said case is posted for Argument. He recently came to know about said mistake. The said Suit schedule property Old Sy. No.73/1 is newly phoded as Sy. No.73/6 and also RTC of newly phoded Sy. No.73/6 is marked as a Exhibit P-3. The said mistake is typographical error in mistake. The amendment of pleading is necessary for the plaintiff. He came to know about mistake recently. In spite of Due diligence he could not rectified same. Therefore he wants to rectify the same in plaint schedule. The amendment is not adverse to that of earlier pleading. Therefore he prays to allow his application. He has not introducing new case. No harm would be caused to other side on allowing application. On these grounds he prays to allow the application.

03. This application is orally resisted by the defendants.

04. Heard arguments and perused the pleadings and materials placed on record.



05. The point that arises for consideration is as follows:

“Whether the proposed amendment is just and necessary to decide the real dispute in controversy between the parties to the suit?”

06. The finding on the above point is in the affirmative for the following;

REASONS

07. The plaintiff has filed the suit against the defendant for the relief of partition and separate possession and holding that sale deed dated 26.11.2007 in respect of the suit schedule property is not binding on the legitimate share of plaintiff. It is noticed from the order sheet of the case that the trial of both side has already been concluded, at the stage of arguments, the plaintiff has filed this application.

08. On-going through the proposed amendment, the plaintiff is seeking to insert new survey number of the suit schedule as 73/6. On-going through the proviso of Rule 17 of order 6 of CPC, it is very much clear that, no application for amendment shall be allowed after the trial has commenced; in the instant case evidence is already concluded. But if the proposed amendment is not allowed,



it may leads to multiplicity of proceedings, if the proposed amendment is allowed, no loss or injury will be caused to the defendants. The plaintiff claimed her case by way of proposed amendment, an opportunity has to be given to the plaintiff to prove her case as per ascertainment of facts on the basis of oral and documentary evidence, hence this court deem it appropriate to allow the application. Hence this court answers the above point in the affirmative and proceed to pass the following;

ORDER

I.A No. 7 filed under Order 6 Rule 17 of CPC by the plaintiff is hereby allowed on cost of Rs.200/-.

The plaintiff is permitted to amend the plaint as indicated in IA.

(Dictated to the stenographer, transcribed by her, corrected and then pronounced in the open Court on this the 02nd day of February 2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC,
Gubbi.