



**IN THE COURT OF THE ADDL.SENIOR CIVIL
JUDGE, KUNIGAL**

Present

Smt. Gangavva Ayatti

B.A.LL.B. (Hon's)

Addl. Senior Civil
Judge and JMFC,
Kunigal.

**DATED THIS THE 01st DAY OF -FEBRUARY
2025**

OS.No.5/2011

Plaintiff : H.R.Venkatesh Dead by Lrs

(By Sri. C.G.C., Advocate)

-V/s-

Defendants : Mariamma and others.

(Lr of D2 by Sri. D.S. Adv, D3 by
Sri. B.G.R. Adv & D6 by Sri B.R.R., Advocate)

::IA.No.XIV::

Applicants : Shivajamma,

-V/s-

Opponents : H.R.Venkatesh Dead by Lrs



1.Provisions under which the application is filed:	U/o 6 Rule 17 of CPC.
2. Relief Sought for :	Amendment of written statement
3.The date on which the application is filed:	22.01.2025.
4.Number of the application :	I.A.No.XIV
5.The date on which the objections are filed by different Opponents:	29.01.2025.
6.The date on which the orders were passed on the said application :	01.02.2025.

::ORDERS ON IA No.XIV::

The counsel for applicants/defendant No.3 has filed IA No. XIV U/o 6 Rule 17 of CPC for amendment of written statement when the case is posted for cross of PW.1.

2. In the annexed affidavit, it is contended that, at the time of filing of written statement by over sight, due to typographical mistake in para No.10 page No.5 instead of self acquired properties the word stridhana properties. The said mistake came to the knowledge of defendant No.3 while his counsel was preparing for cross examination of PW.1. The proposed amendment is necessary to determine the real questions between the parties. Hence prayed to allow IA No.XIV.



3. The plaintiff has filed objection denying the averments made in the affidavit and contended that the applicant has not assigned any proper and reasonable grounds and the reasons assigned in the affidavit are not sustainable. Therefore the question of allowing the application does not arise. Further the defendant No.3 has not produced any documents to show the written statement properties are self acquired properties. Further the trial has already commenced as such there is no question of allowing the IA No.XIV and prayed to dismiss the same.

4. Heard arguments on both sides.

5. The points that arise for my consideration are:-

1. Whether the defendant No.3 has made out grounds to amend the written statement?
2. What order?

6. My answer to the above points are:-

Point No.1: In the Affirmative.

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

REASONS

7. **POINT NO.1:-** It is the contention of the defendant No.3 that while preparing for cross examination of PW.1 the



counsel noticed that at para No.10 page No.5 due to typographical mistake and over sight instead of mentioning self acquired properties it is mentioned as stridhana properties. On the other hand it is the contention of the plaintiff that the trial has already commenced and the present application is filed only to drag the proceedings. The applicant has not assigned reasons in the affidavit and not produced documents.

8. On perusal of the IA with affidavit it appears that, the defendant No.3 is seeking the amendment of written statement only to insert the word as self acquired properties instead of stridhana property which will not in any way change the defence and nature of the suit. The contentions taken by the plaintiffs requires trial at this stage the said contentions holds no water. In the event if the IA is rejected on the grounds urged in the objections then it will lead to multiplicity of proceedings as the matter pertains to the year 2011 hence, grounds made out to allow the I.A.

9. The main object of **Order 6 Rule 17 of CPC** is to allow either party to alter or amend his pleadings in such manner and on such terms as may be just. The power to allow the amendment is wide and can be exercised at any stage of the proceedings in the interests of justice on the



basis of guideline laid down by various High courts. It is true that the amendment cannot be clawed as a matter of right and under all circumstances, but it is equally true that the Courts while deciding such prayers should not adopt hyper technical approach. Liberal approach should be the general rule particularly in cases where the other side can be compensated with the costs. Technicalities of law should not be permitted to hamper the Courts in the administration of justice between the parties. Amendments are allowed in the pleadings to avoid uncalled for multiplicity of litigation. In order to put an end to litigation it is just and necessary to allow I.A. Hence, by imposing cost, if the present application is allowed no loss will be caused to the plaintiff or else it will lead to multiplicity of proceedings. Hence, **I answered Point No.1 in the Affirmative.**

10. **POINT NO.2** :- In view of my findings on Point No.1, I proceed to pass the following:-

ORDER

I.A.No.XIV filed by the defendant
No.3 U/o 6 Rule 17 of CPC is hereby
allowed on cost of Rs.500/-.



For amendment and amended
written statement.

(Dictated to the stenographer transcribed corrected and then
pronounced by me in the open court on this **the 1st day of February 2025**)

sd/-

Addl. Senior Civil Judge
and JMFC, Kunigal.