



**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 JUNE 2026

O.S.No.70/2023

Plaintiff/s : Smt.Jayamma and others,

(By Sri.M.G., Advocate)

-V/s-

Defendants : Smt.M.Gowramma and others,

(By Sri.B.S.R., Adv.,)

::IA.No.V::

Applicants : Smt.Jayamma and others,

-V/s-

Opponents : Smt.M.Gowramma and others,

1.Provisions under which the application is filed:	U/o 6 Rule 17 R/W section 151 of CPC
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2. Relief Sought for :	Amendment of plaint.
3.The date on which the application is filed:	21.02.2026.
4.Number of the application :	I.A.No.V.
5.The date on which the objections are filed by different Opponents:	07.03.2026.
6.The date on which the orders were passed on the said application :	01.06.2026.

::ORDERS ON IA No.XI::

The present IA is filed by the plaintiff/applicant U/o 6 Rule 17 R/w section 151 of CPC for amendment of plaint when the case is posted for cross of PW1.

2. In the annexed affidavit it is contended that, the plaintiff have filed the present suit for the relief of declaration and such other reliefs. The plaintiff at the time of filing of the suit due to inadvertence and typographical mistake, the boundaries of suit schedule item No.1 to 4 were wrongly mentioned and recently they have ascertained the correct boundaries. The said mistake is bonafide and not intentional one. The present amendment is necessary for proper adjudication of the case and to determine the real question in controversy in the suit. Hence prayed to allow the IA No.V.



3. The defendant No.1 to 5 filed objections by denying the averments made in the affidavit and further contended that, the plaintiffs have not pleaded grounds with regard to delay in filing the present application and the grounds mentioned in the affidavit are not sufficient to entertain the application. The plaintiff by suppressing real boundaries obtained temporary injunction order and also the defendant No.1 to 5 in their written statement filed on 16.02.2024 have taken up contention that the boundaries of suit properties are in correct as such the suit should be rejected in limine. Since then the plaintiff have not taken any steps to amend the plaint. Now the case is posted for cross of PW1 and the chief examination affidavit is filed about 8 months back and no steps have been taken to rectifying the mistake which goes to show that plaintiffs are not diligent in prosecuting the case and only with an intention to harass the defendants have filed the present IA. Hence prayed to dismiss IA No.V.

4. Heard arguments on both sides.

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

1. Whether the plaintiffs have made out grounds to amend the plaint?
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 plaintiffs that, the suit is filed for the relief of declaration and such other reliefs. At the time of filing of the suit due to typographical mistake the boundaries of the suit item No.1 to 4 were wrongly mentioned and recently they have ascertained the correct boundaries and filed the present IA. On the contrary the defendants contended that, the plaintiffs by suppressing the boundaries have obtained injunction order and when the case is posted for cross of PW1 to delay the progress of the case have come up with present application. Eventhough the defendants filed written statement have taken up contention that the boundaries of the suit properties are wrong the plaintiff remained silent till filing of chief affidavit and now to delay the progress of the case have filed present application.

8. On perusal of the materials available on record it appears that, the suit is one for declaration and such other reliefs and it is bounden duty of the plaintiffs to prove actual possession of the suit schedule properties in that



way plaintiffs has to prove their case by showing correct boundaries of the property. Though the evidence of the plaintiff is commenced and the cross examination is yet to start at this stage the present IA is filed. Though the defendants at para No.11 have disputed way back in the year 2024 itself with regard to boundaries of the suit property. The plaintiffs have not made efforts to amend the paint without settlement of the suit. But it is not the ground to reject the present IA, if IA is rejected on the said ground it will lead to multiplicity of the proceedings and the same may cause hardship to the plaintiffs.

9. Even it appears that the injunction order has been passed against the defendants and the same was extended untill further order by order dated 04.01.2024 that does not mean that the plaintiffs are not entitled for the reliefs prayed in the present IA. Admittedly the suit is one for declaration as such it is the bounden duty of the plaintiffs to prove their case by producing relevant documents and also by pleading sufficient oral evidence as such at this stage the plaintiffs have made out grounds to allow the IA.

10. 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 defendants or else it will lead to multiplicity of proceedings. Hence, **I answered Point No.1 in the Affirmative.**

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

ORDER

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



For amendment and amended
plaint.

(Dictated to the stenographer transcribed corrected and then
pronounced by me in the open court on this **the 1st day of June 2026**)

sd/-
Addl. Senior Civil Judge
and JMFC, Kunigal.