

**IN THE COURT OF PRL.SENIOR CIVIL JUDGE AND
CJM, GADAG**

PRESENT

**SRI. G.R. SHETTAR., B.com. LL.B (Spl)
PRL. SENIOR CIVIL JUDGE AND CJM, GADAG**

DATED THIS 20TH DAY OF JULY 2024

O.S.No.365/2022

PLAINTIFF:

Savita W/o Girish Patil
(R/by Sri D.R.K. Adv)

Vs

DEFENDANTS:

Radhabai W/o Manoharacharya Gudi,
and Another

(Dfts.No.1 & 2- R/by Sri. S.R.G.Adv)

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PARTIES To I.A. No.3

APPLICANT/

Orl.PLAINTIFF:

Savita W/o Girish Patil

Vs

OPPONENTS/

Orl.DEFENDANTS:

Radhabai W/o Manoharacharya Gudi
and Another

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**ORDER ON I.A.3 U/o 6 RULE 17 R/w Sec.151 OF
CPC**

The plaintiff has filed the application praying for permitting her to amend the plaint i.e., for correction of name of defendant No.2 as 'Sudhendra' in place of 'Sudhindra', correction of name of defendant No.2 in the genealogy of the plaint and to add the properties as mentioned in the application.

2. Application is supported by the affidavit sworn to by the plaintiff, wherein it is contended that while preparing the plaint, the name of the defendant No.2 is wrongly mentioned as 'Sudhindra' instead of 'Sudhendra', in the genealogy shown in the plaint, name of the defendant No.2 is wrongly shown as 'Prakash' instead of 'Sudhendra' and some properties have been left out, which are required to be included. It is also contended that the proposed amendment will neither change the nature of suit nor affects the cause of action. Hence, prayed for allowing the application.

3. The defendants have filed objections denying the application and contents of the affidavit filed in

support of application as false and requested to reject the application with cost.

4. Heard the arguments.

5. The points arise for my consideration are:

P O I N T S

1. Whether the applicant/plaintiff has made out sufficient grounds to allow the amendment as prayed in the application?

2. What order?

6. My findings on the above points are:

POINT No.1: In the Affirmative

POINT No.2: As per the final order,
for the following:

R E A S O N S

7. **POINT No.1:** The applicant/plaintiff has contended that in the plaint cause title, the name of defendant No.2 is mentioned as 'Sudhindra' instead of 'Sudhendra', in the genealogy shown in the plaint, name of the defendant No.2 is wrongly mentioned as 'Prakash' and some properties as mentioned in the application were left out due to oversight, same are required to be included. Per contra, the defendants have contended

that no valid grounds are made out to allow the application. Hence, prayed for rejection of application.

8. I have gone through the entire material carefully. The plaintiff has contended that there is a typographical error in mentioning the name of the defendant No.2 in the cause title of the plaint as well as in the genealogy shown in the plaint and some properties as mentioned in the application are left out, same are required to be included. An amendment to the pleading has to be allowed is such amendment will not change the nature of the suit and not affect the cause of action. On going through proposed amendment it appears that the proposed amendment will neither change the nature of suit nor affect the cause of action. The defendants though opposed the application, but not stated what injustice will be caused to them if the amendment is allowed. Therefore, I am of the opinion that the plaintiff has made out sufficient grounds to allow the application. Hence, I answer point No.1 in the Affirmative.

9. **POINT No.2** As discussed above, I proceed to pass the following:

ORDER

I.A.No.3 filed by the plaintiff U/o 6 Rule 17 r/w Sec.151 of CPC is hereby allowed.

The plaintiff is permitted to carry out amendment in the plaint as sought for.

No order as to cost.

(Dictated to Stenographer, transcribed and typed by him, printed, then corrected and pronounced by me in the open court on this **20th day of July, 2024**)

Sd/- 20/07/2024

(G.R. SHETTAR)

**Prl. Senior Civil Judge & CJM.,
GADAG.**