

KAUK720010732023



**IN THE COURT OF THE SENIOR CIVIL JUDGE & PRL.
JMFC AND ADDL. M.A.C.T., KUMTA, AT: KUMTA,
UTTARA KANNADA.**

Dated this the 09th day of March, 2026

PRESENT

**Smt. B.S.Rayannawar, B.A., L.L.B.,
Senior Civil Judge
& Prl. JMFC, Kumta.**

MVC. No.406/2023

BETWEEN:

Savita S. Shedageri,

...Petitioner

(Rep.by Sri. J.P.N.-Advocate)

V/s.

AND:

The Managing Director and others

...Respondents.

(Rep.by R1-Sri. N.M.N.-Advocate)

R3-Sri. V.R.B.-Advocate)

R2-Exparte)

IA.NO.III

BETWEEN:

Savita S. Shedageri,

...Appellant/Petitioner.

V/s.

AND:

The Managing Director and others

...Respondents/Opponents.

Provision	U/s. VI rule 17 of CPC
Relief sought for	seeking permission to amend the petition
Application dated	18-02-2026
Application No.	III
Objection filed on	02-03-2026
Order passed on	09-03-2026

**Orders on I.A.No.III filed by the petitioner under
Order VI Rule 17**

Present application is filed by the applicant/
petitioner under Order VI Rule 17 of CPC seeking
permission to amend the petition.

PROPOSED AMENDMENT

The entire 1st para in cause title of the main petition.

“On 09.10.2019 afternoon, the petitioner was travelling in a KSRTC Bus bearing No.KA-25/F-3016 from Ankola side towards Hubli and its driver was driving it in a great speed and in a rash and negligent manner. When the said

bus reached near Deshpandenagar, Kolikeri, N.H. 63, Yellapur at about 4.00 p.m another KSRTC Bus bg. Reg.No.KA-42/F-799 being driven by its driver in a moderate speed came from Hubli side towards Ankola. In the mean time, the driver of bus No.KA-25/F-3016 due to his excessive speed lost control over his bus and dashed to the KSRTC Bus bearing No.KA-42/F-799 going to his right side. At the same time a bolero vehicle No.KA-25/AA-3749 which was being driven by its driver in a great speed and in a rash and negligent manner without maintaining any distance came and dashed to the KSRTC Bus No.KA-42/F-799 from behind. Due to the impact, the driver of KSRTC Bus No.KA-42/F-799 died on the spot and the petitioner and some other passengers in the bolero vehicle and in both the buses sustained sever injuries. The accident in question took place due to the rash and negligent driving by the drivers of the bolero vehicle and Bus No.KA-25/F-3016.”

2. I.A. supported with Affidavit of petitioner stating that, on 09-10-2019 afternoon she was travelling in a KSRTC bus bearing No.KA-25/F-3016 from Ankola side

towards Hubli and its driver was driving it in a great speed and in a rash and negligent manner. But in the main petition filed by her in Column No. 22, mentioned she was travelling in KSRTC Bus bearing No. KA-42/F-799 instead of Bus bearing No.KA-25/F-3016 due to bona fide mistake. The said mistake is not an intentional one. And she was also mentioned that the driver of KSRTC Bus bearing No. KA-42/F-799 was driving his a bus in a great speed and rash and negligent manner. Further she was mentioned that the driver of Bus bearing No. KA-25/F-3016 was died in the spot instead of the driver of KSRTC Bus bearing No. KA-42/F-799.

3. Hence if the same is not amended, great injury and irreparable loss would be caused to her. On the other hand no prejudice would be caused to the other side. Hence, prays to allow the application.

4. Application opposed by respondent No.1 KSRTC by filing written objection contended that the instant application filed on behalf of the petitioner is contrary to law

and true facts of the case and is not tenable either on law or on facts of the case.

5. The averments made either in the application or in the Affidavit filed along with the application are not true and correct and this Respondent is not admitted the contents. Absolutely there are no genuine grounds made out either in the application or in the Affidavit filed in support of the application.

6. The petitioner has been examined as P.W-1 and thereafter the case is posted for cross examination of P.W-1 and the petitioner was not tendered for cross examination several times and now came with an application for amendment of the petition at this belated stage is not maintainable and liable to be dismissed.

7. The petitioner has already amended the petition by making necessary application before this Court and now she has filed another application for amendment with an ulterior motive to drag on the case and she is intend to amend the entire para in the petition. And the same is not a typographical error. And the amendment sought in the

application is changed the nature of the petition itself. Hence the present application is not maintainable and liable to be dismissed.

8. The petitioner has filed this application with an ulterior motive to cause the delay of trial and thereby to grab huge interest to be awarded on the compensation amount.

9. If the present application is allowed, then the Respondent Corporation will be put to great loss, injustice and inconvenience and on the other hand no injustice or inconvenience will be caused to the petitioner if the present application is not allowed. Hence on these grounds prays to reject the application with cost.

10. Heard both respective counsels on I.A.No.III. Perused application, annexed affidavit, objection and other material on record.

11. The points that arise for consideration are is under:

1. Whether petitioner proves that the proposed amendments to the petition are necessary for the purpose of adjudication of adjudication of petition?

2. What Order ?

12. My answered to the above points are as under.

POINT NO:1: In the Affirmative.

POINT NO.2: As per final order
for the following

R E A S O N S

13. **POINT NO.1:** Petitioner filed this petition seeking for compensation for the injuries sustained by her in the alleged motor vehicles accident. It is the case of the petitioner that on 09-10-2019 afternoon she was travelling in a KSRTC bus bearing No.KA-25/F-3016 from Ankola side towards Hubli and its driver was driving it in a great speed and in a rash and negligent manner and caused the accident in which she sustained injury. But in the main petition filed by her in Column No. 22, it is mentioned that she was travelling in KSRTC Bus bearing No. KA-42/F-799 instead of Bus bearing No.KA-25/F-3016 the same is due to bona fide mistake. The said mistake is not an intentional one. And she was also mentioned that the driver of KSRTC Bus bearing No. KA-42/F-799 was driving his a bus in a great speed and rash and negligent manner. Further she was mentioned that the driver of Bus bearing No. KA-25/F-

3016 was died in the spot instead of the driver of KSRTC Bus bearing No. KA-42/F-799. This Court perused the entire materials on record. In police documents that is charge sheet also it is mentioned that, the accident occurred due to rash and negligent driving of the driver of the KSRTC Bus No.KA.25/F-3016 and Bolero Vehicle No.KA-25/AA-3749. Learned counsel for petitioner submits that in petition instead of above said vehicles they have mentioned accident took place due to negligence of KSRTC Bus No.KA42/F-799.

14. Admittedly the present application filed when the case is posted for cross of PW1. But it is well settled legal principle that court while deciding such matters should not adopt hyper technical approach and liberal approach should be the general rule, particularly in cases where other side can be compensated with the costs. Hence to meet out the ends of justice and for striking balance between the interest of the parties. Hence On perusal of the same, this Court opinion that the proposed amendment is a typographical mistake hence if the application is not allowed hardship caused to the petitioner. Under these circumstances, this Court opinion

that the petitioner has made out a sufficient ground that the proposed amendments to the petition are necessary for the purpose of adjuication of case. Accordingly, I answered **point No.1 in the Affirmative.**

15. **Point No.2:** In view of my findings on point No.1, this Court proceed to pass the following:

ORDER

I.A.No.III filed by the petitioner under Order VI Rule 17 of CPC is hereby allowed.

Petitioner is permitted to amended her petition.

(Directly dictated to the Stenographer to the computer, corrected and then pronounced by me in the open court on this date the 09th day of March, 2026)

(B.S.Rayannawar)
Senior Civil Judge & Prl. JMFC &
AMACT, Kumta.