

IN THE COURT OF THE SENIOR CIVIL JUDGE AND ACJM,
KARKALA

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and ACJM, Karkala.

Dated: This the 4th day of July , 2025.

O.S.No.17/2024

Sri. Ashok Raju Poojary	Versus -	..Plaintiff
Smt. Jalaja Poojarthi and others		..Defendants

PARTIES TO I.A.NO.5

Sri. Ashok Raju Poojary,
Aged about 61 years,
S/o. Late Raju Poojary,
R/at. Jalaja Nivas,
Near Nitte Panchayath,
Nitte Village, Karkala Taluk.

.. Applicant/
plaintiff

- vs. -

1. Smt. Jalaja Poojarthi,
Aged about 89 years,
W/o. Late Raju Poojary,
2. Sri. Anand Raju Poojary,
Aged about 70 years,
S/o. Late Raju Poojary,
3. Smt. Nayana,
Aged about 40 years,
D/o. Late Anandi,
4. Sri. Naveena,
Aged about 35 years,
S/o. Late Anandi,
5. Sri. Sadashiva,

Aged about 66 years,
S/o. Late Raju Poojary,

6. Sri. Jaya Poojary,
Aged about 64 years,
S/o. Late Raju Poojary,

7. Smt. Padmavathi,
Aged about 57 years,
D/o. Late Raju Poojary,

Nos.1 to 7 are
R/at. Jalaja Nivas,
Near Nitte Panchayath, Nitte
Village, Karkala taluk.

8. Sri. Thimmappa,
Aged about 70 years,
S/o. Late Thomu Poojarthi,
R/a. Hunisebettu, Nitte Village,
Karkala taluk, Karkala Taluk-574 114.

9. Smt. Rathi Poojarthi,
Aged about 67 years,
D/o. Late Thomu Poojarthi,

10. Smt. Shakunthala,
Aged about 62 years,
D/o. Late Thomu Poojarthi,

11. Sri. Vijaya Anthu Poojary,
Aged about 60 years,
S/o. Late Thomu Poojarthi,

12. Sri. Sudhakara,
Aged about 58 years,
S/o. Late Thomu Poojarthi,

13. Smt. Yashwini,
Aged about 50 years,

D/o. Late Lalitha Poojarthi,

14. Sri. Sarnil,
aged about 30 years,
S/o. Late Narayana,

15. Smt. Surekha,
Aged about 45 years,
D/o. Late Girija Poojarthi,

16. Sri. Annu,
Aged about 39 years,
S/o. Late Girija Poojarthi,

Defendants No. 9 to 16 are
R/at. Hunisebettu,
Near Nitte Panchayath,
Nitte Village, Karkala Taluk. .. Opponents/defendants

i.	Provision under which the application is filed	Order VI Rule 17 and Section 151 of CPC
ii.	Relief sought for	To amend plaint
iii	The date on which the application is filed	01-02-2025
iv	Number of the application	I.A.No.5
v	The date on which the objections are filed by different opponents	28-04-2025
vi	The date on which the orders were passed on the said application.	04-07-2025

ORDER ON I.A.NO.5 FILED UNDER ORDER VI RULE 17

AND SECTION 151 OF C.P.C.

Application is filed by plaintiff seeking to correct the names of defendants No.13, 14, 16 at the cause title and in the relevant paragraphs of the plaint.

2. The plaintiff has deposed that the defendant filed the written statement stating that the names of defendants No.13, 14, 16 are wrongly mentioned and thus in order to avoid the future complications, the parties needs to be impleaded and hence prays to allow the application.

3. Per contra counsel for the defendants objects that the plaintiff cannot amend the plaint based upon the averments of the written statement and that still there are 24 members in the Aliyasanthana family. Thus submits that the proposed amendment is not permissible under law and prays to dismiss the application.

4. Heard from the counsel for plaintiff and counsel the defendants .

5. The following point arise for my determination.

“Whether the proposed amendment is necessary at this stage?”

6. My answer to the above point is in ‘affirmative’, for the following

REASONS

7. The present suit is one for partition of the suit properties, where the defendants have appeared through court summons and filed written statement submitting that the names of some of the defendants have been wrongly noted. Based upon the same, the plaintiff has filed the above application seeking to correct the names of the defendants.

8. The objection of the defendants is that the plaintiff cannot amend the plaint as per the averments made in the written statement. The plaintiff may not be aware of the original name of the parties and the mistake might have been crept. But that does not mean that plaintiff should not be permitted to change the names of the parties.

9. The cause of action to the present suit arose when the defendants filed their written statement. By this application the plaintiff is trying to correct the mistakes which were crept and neither the cause of action, nor the nature of the suit or the relief claimed would be changed. It is only the exact name of

the defendants would be changed, which will enable the parties to acquire the benefit of the decree in future. Accordingly holding that the proposed amendment is necessary at this stage, the above point is answered in the affirmative.

10. In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No. 5 filed by the plaintiff under Order VI Rule 17 and Section 151 of C.P.C., is hereby allowed

Counsel for plaintiff is permitted to carry out amendment to the plaint.

(Dictated to the Stenographer, transcribed by her , transcript corrected and then pronounced in Open Court on this the 4th day of July, 2025.)

(SHARMILA C.S.)
Senior Civil Judge & ACJM, Karkala