

**ITINERARY SITTING AT SENIOR CIVIL JUDGE
HUVINAHADAGALI**

Dated this the 12th day of December 2025

PRESENT

MADHUSUDHANA D.K.

Itinerary Senior Civil Judge
Huvinahadagali

OS. No.29/2023

***PLAINTIFFS: Smt. Vimalakshi
and Another***

V/s

***DEFENDANTS: Sri. Siddanagouda
and Others***

ORDERS ON IA NO.5/2025

The Plaintiffs have filed the above IA No.5/2025 dated 13.06.2025 under Order 6, Rule 17 read with Section 151 of CPC by seeking Amendment of the Plaint to correct the extent of the Item No.10 as 29C instead of 1A 29C by way of Amendment.

2. In support of the IA No.5/2025, the Plaintiff No.1 Smt. Vimalakshi has filed her Affidavit by deposing on oath for herself and for Plaintiff No.2. She has contended that, *she has filed the above Suit for Partition and Separate Possession and on the last date of hearing, she has filed an Application to include some Properties of her father. Recently, she has obtained the Documents and found that, the Item No.10 bearing Sy. No. 136 is measuring 29C but, in the Plaint, the Plaintiffs have wrongly mentioned the extent as 1A 29C. Therefore, to rectify the said mistake,*

the Plaintiffs have filed the IA No.5/2025 and they pray for allowing the same.

3. The Defendants have not filed Objections to the IA No.5/2025.

4. I have heard the arguments and perused the Material placed on Record.

5. The Points that arise for My consideration are as follows:

POINTS

1) Whether the Plaintiffs are entitled for Amendment of the Plaint as sought in the IA No.5/2025?

2) What Order?

6. Now, My answers to the above Points are as follows:

ANSWERS

POINT NO.1: In the Affirmative

POINT NO.2: As per the final Order, for the following:

REASONS

7. **POINT NO.1:** I have already narrated the facts leading up to filing of the above IA No.5/2025 and therefore, to avoid repetition, the same is not reiterated here.

8. The Plaintiffs have filed the RTC Extract of the Sy.No.136 showing its extent as 29C. The Plaint Schedule shows that, *the Extent of Sy. No.136 was shown as 1A 29C.* The Defendants have filed Objections only to the IA No.4 and they did not file any Objections to the IA No.5. Therefore, by considering the said facts,

the Plaintiffs are entitled for the Amendment of the Plaint to rectify the extent of the Item No.10. If the IA No.5 is rejected, the Plaintiffs could be precluded from seeking the correction and the same will prejudice both the Parties as the Suit is for Partition and Separate Possession. Therefore, ***the Point No.1 is answered in the Affirmative.***

9. **POINT NO. 2:** For the above discussion, I proceed to pass the following:

ORDER

The IA No.5/2025 of the Plaintiffs filed under Order 6 rule 17 of CPC is hereby allowed.

The Plaintiffs shall carryout the Amendment of the Plaint and furnish Amended Plaint in the Office before next date of hearing.

Call on 09.01.2026.

Sd/-

MADHUSUDHANA D K

Itinerary Senior Civil Judge
Huvinahadagali