

IN THE COURT OF THE PRINCIPAL MUNSIFF, CHERTHALA

Present: Sri. Rovin Rodrigues, Principal Munsiff

Thursday, the 15th day of January 2026/ 25th Pousham, 1947

IA 03/2024 in O. S. No. 571/2022

(Filed on 19.11.2022)

Petitioner/Plaintiff:-

Canara Bank, Ezhupunna branch,

Rep. By its Manager.

By Adv. Binney Joseph P.

Cr. Petitioners/ Defendants:-

1. M/s. Sree Vinayaka Stores & Bakers,
Thottappalli Jn. Eramalloor, Rep.

By its Proprietor, Chandra Mohan @
Chandra Mohan S.

2. Chandra Mohan, aged 62,
S/o. Sukumaran Nair, R/o. Aiswarya,
Ezhupunna South P.O., Cherthala.

By Adv. S. Bindu.

This petition having been heard on 15.01.2026 and the Court on the same day passed the following:-

ORDER

This is an application filed by Plaintiff seeking to amend the plaint. The petitioner/plaintiff claims that due to an inadvertent error, the amount due

from the defendants under account No. 6763768000131 was wrongly mentioned as 43,918.64 in the plaint instead of the correct amount of Rs.4,03,918.64. The same mistake was repeated in paragraph 17 of the plaint and also in the relief portion. It is asserted that the mistake was purely clerical in nature. Petitioner/plaintiff claims that the Bank would suffer serious financial loss if the amendment is not permitted.

2. The respondent/defendants filed an objection contending that the petition is not maintainable. It is further contended that the amendment is sought only after commencement of evidence and therefore barred under proviso to Order VI, Rule 17 of CPC. It is also urged that serious prejudice will be caused to the defendants if the amendment petition is allowed.

3. Heard, Perused the records.

4. Order VI, Rule 17 Civil Procedure Code permits amendment of pleadings at any stage of the proceedings. However, the proviso clearly, mandates that the Court should come to a conclusion that inspite of due diligence, the party could not have raised the matter before commencement of trial.

5. In the present case, the trial has already commenced. The mistakes in the plaint were repeated in the proof affidavit filed in lieu of examination in chief. The petitioner/plaintiff did not place any convincing material before

this Court to show that despite exercising due diligence, the mistakes could not have been noticed earlier. The Petitioner/plaintiff being a Nationalised Bank should have exercised more care and caution in respect of the amount claimed. Allowing the amendment would result in enhancing the claim amount by ten times and affect the Valuation of the Suit. It would seriously prejudice the defendants. Hence, I am of the considered opinion that the petitioner/plaintiff has failed to make out sufficient grounds to permit the amendment.

As a result, the petition is dismissed with costs to respondent/defendants.

(Pronounced by me in the open Court on this day the 15th day of January, 2026)

Sd/-

Rovin Rodrigues
Principal Munsiff

Appendix: - Nil

Sd/-

Principal Munsiff

/True Copy/

Principal Munsiff

*Fair Copy of Order in
IA No.03/24 in O.S.571/2022
Dated: 15.01.2026*