

IN THE COURT OF THE MUNSIFF, CHANGANACHERRY

Present :-Smt. Sarica A.R , Munsiff

Thursday the 21st day of August, 2025

30th Sravanam, 1947

I.A.No.3/2024 IN O.S. No.99/2024

Petitioner/Plaintiff:-

Abin Kuruvila, 28 years, S/O K K Kuruvilla,
Kochuparambil House, Cheeramchira P. O,
Chethipuzha Village, Changanacherry Taluk,
Rep By Bibin Kuruvilla, 26 years,
S/O K K Kuruvilla, Kochuparambil House,
Cheeramchira PO Chethipuzha Village,
Changanacherry Taluk.

By Adv. K Madhavan Pillai

Respondents/Defendants:-

1. Sony Mathew, 26 years, S/o Cherian Mathew,
Kunammamoottil House, Nalunnakkal P.O,
Vakathanam Village, Changanacherry Taluk.
2. Ciciliyamma Mathew, 48 years,
W/o Cheriam Mathew, Kunammamoottil House,
Nalunnakkal P.O, Vakathanam Village,
Changanacherry Taluk.
3. Sourav Babu, 27 years,
Mannilkizhakkekkara house Edathitta PO
Pathanamthitta district

D2 By Adv. Kurian Joseph

D1 & D3 No Vakalath

This petition is coming up for consideration before this Court on 21.08.2025 and the court on the same day passed the following :-

ORDER

This petition is for amendment of plaint under Order 6 Rule 17.

2) The averments in the petition is as follows: That the petitioner is the plaintiff in the suit and that the suit is instituted for recovery of ₹3,20,000 entitled to the plaintiff from the defendants. It was stated that there was a mistake in the resurvey number of the property for attachment and that resurvey number 500/7 was recorded as 500/9. The petitioner states that this was a clerical error and hence this petition to amend the plaint.

3) The Defendants/Respondents filed no objection.

4) The issues for consideration in this petition include:

- 1) Is the plaintiff entitled to amend the petition?
- 2) Reliefs and Costs ?

5) Heard.

6) Considering issues 1 and 2 together: This court first examines Rule 17 of Order 6 which allows for the amendment

of pleadings. This provision grants the court the power to allow parties to modify or alter their pleadings, including the plaint or written statement, at any stage of the proceedings. It exists to ensure that parties involved in a legal dispute receive fair and comprehensive resolution and by granting amendments, the courts strive to achieve the ultimate goal of doing full and complete justice for all involved. The underlying object of Order 6 Rule 17 is that Court should try the merits of the case that comes before it and should consequently allow the amendments that may be necessary for determining the real question in controversy between the parties and not for punishing them.

7) In the instant case, the plaintiff requires amendment on the ground of clerical error wherein there was a mistake in the resurvey number of the property for attachment. The resurvey number 500/7 was recorded as 500/9. The basic question relating to amendment of plaint has always been whether it changes the nature of the plaint, is barred by limitation or will cause injustice to the party. There have been a innumerable number of decisions of the Apex Court including ***North Eastern Railway Admn. v. Bhagwan Das, (2008) 8 SCC 511*** clarifying the question of granting or disallowing amendments under Order 6 Rule 17 CPC, which are not unjust

to the other party and are necessary for deciding the controversy.

8) The Court further mentioned ***P.A. Jayalakshmi v. H. Saradha, (2009) 14 SCC 525, LIC v. Sanjeev Builders (P) Ltd., 2022 SCC OnLine SC 1128:***

“The Court through catena of cases concluded that amendment in plaint, written statement or filing of an additional written statement is subject to exception that any admission made in favour of the other party is wrong, and that all amendments of the pleadings necessary for determining real controversies in the suit should be allowed liberally, provided that the proposed amendment does not alter or substitute a new cause of action on the original lis. The Court further added that “inconsistent and contradictory allegations in negation to the admitted position of facts or mutually destructive allegations of facts should not be allowed to be incorporated by means of amendment to the pleadings.”

9) It was also held in ***Pirgonda Patil v Kalgonda Patil (AIR 1957 SC 363)***, that the ultimate test would be “can the amendment be allowed without injustice to the other side, or can it not?”

10) Incorporating this legal position to the facts of the instant petition, it is clear that there is no change in the nature of the suit, or does not give rise to inconsistent claims. There is no injustice caused to the opposite party either as the defendants shall have the liberty to file additional written statement to raise their defense for effective adjudication. The court keeps in mind that the actual purpose of Order 6 Rule 17 of the Code of Civil Procedure (CPC) in the legal system is to advance the cause of justice rather than impede it.

11) In the light of the above discussion, petition allowed. Carry out the amendment within 7 days and produce amended type written plaint as per order. Defendant is at liberty to file additional written statement. Under the facts and circumstances of the case, no costs allowed.

(Directly typewritten into my personal laptop, corrected by me and pronounced by me in open court on this the 21st day of August, 2025.)

Sd/-
SARICA A.R
MUNSIFF

APPENDIX:- NIL

Id/-
MUNSIFF

//True Copy//

Copied by:
Compared by:

Sd/-

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MUNSIFF

