

**Order below Exh.27 in RCS 176/2022**  
**Shriram Kotalgi Vs Darmanna Kotalgi & Ors**

The application is for amendment under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (the C.P.C).

2 Perused the application, and the record.

3 The application has been proceeded without say.

4 Heard.

5 The suit is for partition. The defendant 1 has been proceeded without written statement. Defendants 2 to 5, 7 to 11 despite service of summons failed to appear and have been proceeded ex-parte.

6 The following points arose for my determination to which I record my findings together with the reasons thereof.

Sr.No	Points of determination	Findings
1	Whether the proposed amendment, is necessary for deciding the real controversy between the parties under Order 6 Rule 17 of the C.P.C?	Yes.
2	What order?	As per the final order

Reasons

Point 1

7 It is settled law that amendment of pleadings, has to be liberally allowed at pre-trial stage, for the facts may be said not to be covered by proviso to Order 6 Rule 17 of the CPC.

8 As a matter of fact and record, trial has not begun. The application is premised on the ground that the description of the suit property has to be corrected/ modified. The revenue record has been placed on the record. No prejudice would be caused to the parties if the application is allowed. The proposed amendment is in respect of description of the suit property which is the center point that is necessary for deciding the real controversy between the parties. Costs follows the event. Accordingly, the points for determination are answered. Hence, the following **Order:-**

1 The application is allowed.

2 Plaintiff to carry out the proposed amendment, and file on record duly amended within 14 days from today.

3 Costs in the cause.

Jath  
Date: 07/03/2026

(Sanjay P. Bunde)  
Jt.C.J.J.D, Jath