

**THE COURT OF V ADDITIONAL CITY CIVIL AND  
SESSIONS JUDGE AT BENGALURU**

Dated this the 11<sup>th</sup> day of February 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,  
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)  
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

**O.S.No.3139/2022**

**PLAINTIFF** : Smt.Ramya R.  
V/s

**DEFENDANTS** : Sri.B.Venkataramana Hegde  
& another.

i.	Provision under which the application is filed	Order VI Rule 17 R/w Section 151 of the Code of Civil Procedure.
ii.	Relief sought for	Permission to amend the plaint.
iii.	The date on which the application is filed	07.09.2023
iv.	Number of the application	I.A.No.IV
v.	The date on which the objections are filed by different opponents	05.10.2023
vi.	The date on which the orders were passed on the said application	11.02.2026

**ORDERS ON I.A.No.IV**

The plaintiff has filed I.A.No.IV under Order VI Rule 17 R/w Section 151 of the Code of Civil Procedure seeking an order to permit her to amend the plaint.

2. In support of I.A.No.IV, the plaintiff has filed her affidavit.

3. The defendants have filed objections to I.A.No.IV praying to dismiss I.A.No.IV.

4. Heard the learned Counsel for the plaintiff on I.A.No.IV. The learned Counsel for the defendants has filed written arguments on I.A.No.IV. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

*Whether the plaintiff has shown sufficient reasons to permit her to amend the plaint as prayed in I.A.No.IV ? If so, what order?*

6. My answer to the above point is in the Affirmative for the following:

**REASONS**

7. The plaintiff has filed this suit against the defendants for permanent injunction in respect of the suit schedule property. The defendants have filed their written statement. On 19.06.2023, the issues were framed. The case is posted for the plaintiff evidence. On 07.09.2023, the plaintiff came up with the present application seeking the amendment to the plaint. The proposed amendments are as follows :-

**After para-6 before para-7**

“6(a)The plaintiff submit that, in the written statement filed by the defendants, they have contended that, the schedule property has been sold in favour of one Smt.Manjula by Sri.Ashwath Ramegowda in terms of Sale Deed dated 02.02.1998, registered as document No.12422/1997-98, volume No.6088, Page No.64 to 70 of Book-I before the Sub-Registrar Bengaluru North Taluk. On enquiry made no such alienation has been made by the said Sri.Ashwath Ramegowda. Actually

the defendant is constructing building on the schedule property. Such contention taken up by the defendant in the written statement is false frivolous and far away from truth.

- 6(b) The plaintiff submit that, the defendant knowing fully well that, the schedule property bearing site No.24 constructed building by trespassing over the same after filing of the above suit and also during the operation of the interim order granted by this Hon'ble Court. The act of the defendants amounts to contempt of court, for which they are liable to be prosecuted.

**After para-9 before para-10**

- 9(a) The plaintiff submit that, in the circumstances stated above, cloud is cast upon the title of the plaintiff over the schedule property and also over the possession of the plaintiff, as such it is proper and necessary to seek possession of the schedule property and also declaration of her title over the same. Hence this suit for declaration, mandatory injunction and other reliefs over the schedule property.

**Proposed amendment in prayer column :-**

In place of prayer column (a) to declare that, the plaintiff is the absolute owner of the schedule property and the consequential relief of mandatory injunction, directing the defendants to demolish the building and to hand over the same to the possession of the plaintiff.”

8. In the affidavit filed by the plaintiff in support of the present application, she has stated that this Court granted the interim order of temporary injunction restraining the defendants from putting up construction over the suit schedule property. Even after the service of the said temporary injunction order, the defendants have proceeded to put up construction on the suit schedule property. Therefore, the present application is filed to aver the said fact and to add the reliefs of declaration of title and mandatory injunction.

9. The main objections of the defendants are that the proposed amendments are not necessary to adjudicate the matter properly. The present application is filed at belated

stage to drag on the proceedings. The proposed amendments will change in the nature and cause of action of the suit. The application is filed after commencement of the trial.

10. It is well settled principles of law that at any stage of the proceedings, the party may be permitted to amend the pleadings if such amendments are just and necessary to determine the real questions in controversy between the parties. Since, the trial of the suit is already commenced, the plaintiff shall satisfy the Court that she could not seek the proposed amendments before commencement of the trial in spite of her exercise of due diligence. With this background, I perused the proposed amendments and the existing pleadings.

11. As stated above, the suit is for permanent injunction based on the cause of action arose on 12.05.2022 when the defendants tried to trespass over the suit schedule property by digging the land. It is contended by the plaintiff that after the order of temporary injunction was granted

against the defendants, they have continued the construction in the suit schedule property which necessitated the plaintiff to seek the proposed amendments. Though, the proposed amendments will change the nature and cause of action, keeping in view of the above pleadings of the plaintiff and her contentions, in order to adjudicate the dispute in one stretch and to avoid the multiplicity of proceedings, the proposed amendments are just and necessary. If the proposed amendments are not permitted, the suit will become infructuous and the plaintiff has to drag to file a fresh suit. In such an event, prejudice and injustice will be caused to the plaintiff. On the other hand, if the proposed amendments are permitted, no prejudice and injustice will be caused to the defendants. The circumstances under which the proposed amendments are sought itself go to show that the plaintiff could not seek the proposed amendments before commencement of trial. For the above reasons, the plaintiff has shown sufficient reasons to permit her to amend the plaint as prayed.

Hence, I answer the above point in the Affirmative. In the result, I proceed to pass the following :

**ORDERS**

I.A.No.IV filed by the plaintiff under Order VI Rule 17 R/w Section 151 of the Code of Civil Procedure is hereby allowed.

The plaintiff is permitted to carryout amendment to the plaint as prayed in I.A.No.IV.

No order as to cost.

(Dictated to the stenographer, typed by her, printout taken, corrected and then pronounced by me in the open court today on this the 11<sup>th</sup> day of February 2026).

**(VEDAMOORTHY B.S.)**

XXXI Addl. City Civil & Sessions Judge,  
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,  
Bengaluru.