

KABC170034442024



**IN THE COURT OF LXXXV ADDL. CITY CIVIL & SESSIONS
JUDGE AT BENGALURU (CCH-86) (Commercial Court)**

THIS THE 22nd DAY OF NOVEMBER 2025

**PRESENT:
SRI.ARJUN. S. MALLUR. B.A.L.LL.B.,
LXXXV ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.OS.No.1713/2024

PLAINTIFF:

Mr. K S Nandagopal,

Aged about 57 years,

S/o K.C. Shankaraiah Naidu,

Proprietor Of M/S Sri Balaji Creations,

No.146, Sy No.34/1, Khata No.823/783/792/103/34/1/146,

Kodichikkanahalli Village Begur Hobli, Bangalore 560 076

(near Jahnvi Enclave Apartments Backside Entrace),

Since deceased by his LR's,

1.(a). Smt. Jamuna K N,

W/o Late. Nanda Gopal K S,

Aged about 49 years,

Residing at #208/209, 3rd Cross,

Royal Shelters, Devarachikkanahalli,

Bengalure South,
Bengaluru -560076.

1.(b) Balu Chandar K N,
S/o Late Nanda Gopal K.S,
Aged about 28 years,
Residing at #208/209, 3rd Cross,
Royal Shelters, Devarachikkanahalli,
Bengaluru South,
Bengaluru - 560076

1. (c) Sindhuja K N,
S/o Late Nanda Gopal K.S,
Aged about 26 years,
Residing at #208/209, 3rd Cross,
Royal Shelters, Devarachikkanahalli,
Bengaluru South,
Bengaluru - 560076

(Represented By Sri. G.V.Sudhakar, Advocate)

: Versus:

DEFENDANT:

Mr. K V Ranjith Kumar,
S/o Mr. K.Venka Ramana Naidu,
Proprietor Of V R Construcitons,
R/At No.85, Narendra Nilaya,
Nagasandra Main Road, Behind Garadi Apartments,
T R Nagar Bengaluru-560 028.

(Represented by Sri. D Prabhakar, Advocate)

IA.NO.IX

Applicant/Defendant: Mr. K V Ranjith Kumar,

(Represented by Sri. D Prabhakar, Advocate)

V/s

**Opponent/Plaintiff: Mr. K S Nandagopal, since
deceased by his LR's,**

(Represented By Sri. G.V.Sudhakar, Advocate)

(i)	Provisions under which the application is filed	U/o.VI Rule 17 of CPC
(ii)	Relief sought for	For amendment of the written statement and to insert paras 4(a), 5(a), 6(a) to (c) and 8(a) and (b) to the written statement
(iii)	The date on which the application is filed	11.11.2025
(iv)	Number of the application	I.A.No.9
(v)	The date on which the objections are filed by different opponents	14.11.2025
(vi)	The date on which the orders were passed on the said application	22.11.2025

ORDER ON IA.NO.IX

At the stage of defendant evidence the present application is filed by the defendant.

1. I.A.No.9 is filed by the defendant for amendment of the written statement and to insert paras 4(a), 5(a), 6(a) to (c) and 8(a) and (b) to the written statement contending that at the time of filing of the written statement due to paucity of time the required details could not be shared with the advocate and that the defendant now intends to bring on record details of the payment made by the plaintiff and also the GST amount payable to the department and therefore for the per of effective adjudication of the matter in issue and also to effectively defend the claim the proposed amendments are necessary and that there has been no intentional delay in bringing on record the amendments and on these grounds sought for permitting amendment of the written statement as prayed.

2. Learned counsel for the plaintiff orally objected to the said application contending that the proposed amendment are only an after thought sought to be introduced only to

delay the adjudication of the case and sought for rejecting the application with costs.

3. Heard the learned counsels appearing for both sides and perused the entire material on record.

4. The points for consideration is:-

Whether the defendant has made out justifiable grounds for permitting amendment of the pleadings as prayed at this stage?

5. My answer on the above point is **in the Affirmative** for the following

REASONS

6. At the stage of defendant evidence the present application is filed by the defendant. It is contended that at the time of filing of written statement as the deadline for filing the written statement was coming to a close and due to paucity of time proposed amendment could not be pleaded in the written statement and the proposed

pleadings are only in support of defence already raised and will not assure in any new case or change the nature of the suit or affect the interest of the parties and that the proposed pleadings are only to explain the events concerning the subject matter of the suit and on these grounds sought for the amendment

7. As mentioned above oral objections are submitted by the counsel for the plaintiff mainly that the issues are already framed and the case is at the stage of trial and the proposed amendment is not at all necessary for adjudication of the matter in issue and the proposed amendment is sought belatedly only to protract the proceedings and on these grounds has sought for declining the prayer for amendment.

8. The proposed sought by the defendant is to explain further the circumstances which lead to payment of GST returns and the proposed amendments are only to further strengthen the defence put forth in the written statement. The provisions of Order VI Rule 17 of CPC permits amendment of this pleadings but before commencement of the trial. The proviso to Order VI Rule 17 makes it clear

that no amendment to be permitted once the trial has commenced unless sufficient cause is made out that inspite of exercise of due diligence party seeking amendment could not bring in the amendment before commencement of trial. In the present case issues are framed. The case is at the stage of defendant evidence. Nevertheless to avoid multiplicity of proceedings and to provide the defendant and opportunity to put forth his defence effectively it would be just and proper to permit the amendment but by imposing suitable costs. The proposed amendment sought by the defendant is in furtherance of the defence put forth in the written statement and does not either prejudice the interest of the plaintiff, change the subject matter of the suit or bring in a new case altogether. The learned counsel for the defendant in support of his arguments has relied upon a judgment of the Apex Court reported in **AIR 2006 SUPREME COURT 2832, Baldev Singh and others vs. Mahohar Singh and another**, wherein with respect to provisions fo Order VI Rule 17 of CPC and its applicability by the Courts it is observed as under:

Keeping this principle in mind, let us now consider the provisions relating to amendment of pleadings. Order 6 Rule 17 of the Code of Civil Procedure deals

with amendment of pleadings which provides that the Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. A bare perusal of this provision, it is pellucid that Order 6 Rule 17 of the Code of Civil Procedure consists of two parts. The first part is that the Court may at any stage of the proceedings allow either party to amend his pleadings and the second part is that such amendment shall be made for the purpose of determining the real controversies raised between the parties. Therefore, in view of the provisions made under Order 6 Rule 17 of the CPC it cannot be doubted that wide power and unfettered discretion has been conferred on the Court to allow amendment of the pleadings to a party in such manner and on such terms as it appears to the Court just and proper. While dealing with the prayer for amendment, it would also be necessary to keep in mind that the Court shall allow amendment of pleadings if it finds that delay in disposal of Suit can be avoided and that the suit can be disposed of expeditiously. By the Code of Civil Procedure (Amendment) Act, 2002 a proviso has been added to Order 6 Rule 17 which restricts the Courts from permitting an amendment to be allowed in the pleadings either of the parties, if at the time of filing an application for amendment, the trial has already commenced. However, Court may allow amendment if it is satisfied that in spite of due diligence, the

party could not have raised the matter before the commencement of trial.

9. The above observations squarely applies to the prevailing facts and circumstances and hence I am of the considered opinion that it would be just and proper to permit the amendment as sought and hence, I answer point raised in the **Affirmative** and pass the following:

ORDER

I.A.No.IX filed by the defendant U/o.VI Rule 17 of CPC is ***allowed on cost of Rs.5,000/- payable to the plaintiff.***

The defendant is permitted to amend the written statement and bring on record the proposed amendment and shall file the amendment written statement without any delay.

(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in open court on this the **22nd day of November, 2025**).

(ARJUN. S. MALLUR)
LXXXV Addl.City Civil & Sessions Judge,
Bengaluru.