

IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, BELAGAVI

Dated this the 4th day of June, 2025

PRESENT

Sri T. N. Inavally, B.A.L., LL.B.
Principal District & Sessions Judge,
Belagavi

Com. OS No.115/2022

Plaintiff: Sri Vijaykumar Mallappa Sabannavar
Age: 43 years, Occupation: Pvt. Service
Bengaluru, R/o: Plot No.15 Teachers Colony
Khasbag, Belagavi.

(Represented by Sri V.K. Patil, Advocate)

Vs.

Defendants: 1. Sri Satish Basappa Bilur
M/s YESBEE IT Solutions
Age: 45 years, Occupation: Pvt. Service
Bengaluru, R/o: Plot No.5, 2nd Floor
Meenakshi Residency Property bearing
No.1, 2nd Main Road, Kalpana Chawla
Road, Sheshgiri Layout Sanjay Nagar,
Bengaluru- 94.

2. Smt. Aswini Satish Bialur,
Age: 40 years, Occupation: Household,
R/o: Plot No.5, 2nd Floor Meenakshi
Residency Property bearing No.1,
2nd Main Road, Kalpana Chawla Road,
Sheshgiri Layout Sanjay Nagar,
Bengaluru- 94.

3. Sri Aravind Charinammallappa Kittad
Age: 70 years, Occupation: Pvt. Service
R/o: 458, Chintamani Shreedarshan Colony
Takai Darshan Fursungi, Taluk: Haveli M
District: Pune- 412 308,
Maharashtra State.
4. The Karnataka State Small Industries
Development Corporation Ltd.,
Administrative Office building
Industrial Estate, Rajaji Nagar,
Bengaluru.
5. The Asst. General Manager
KSSIDC Ltd., Industrial Estate
Udyambag, Belagavi- 590 008.

(D.1 to 3 Represented by Sri S.K. Patil, Advocate)

(D.4 & 5 ex parte)

i.	Provision under which the application is filed	U/O VI R-17 r/w S-151 of CPC
ii.	Relief sought for	Amendment of plaint
iii.	The date on which the application is filed	06.08.2024
iv.	Number of the application	IA No.2
v.	The date on which the objections are filed by different opponents/ defendants No.1 to 3	11.09.2024
vi.	The date on which the orders was passed on the said application	03.06.2025

ORDERS ON IA No.2

This application- IA No.2 is filed by the plaintiff under Order VI Rule 17 read with Section 151 of Code of Civil Procedure ('CPC' for short) praying for an order to permit him

to amend the plaint by adding in cause title, in para No.15 as well as column No.22(D) of the plaint by adding has cancelled the partnership deed dated 23.06.2014 executed between the plaintiff and the defendants No.1 to 3 by allowing the application in the interest of justice.

2. The plaintiff has filed his affidavit along with the application submitting that he issued legal notice on 25.02.2020 and thereafter, the application for free litigation settlement was filed before the District Legal Service Authority, Belagavi ('DLSA' for short). The defendants No.1 to 3 assured him to settle the matter by way of paying Rs.7,12,000/- and cancel the partnership deed dated 23.06.2014 by way of amicable settlement. But the defendants No.1 to 3 dragged on the matter. After filing of the suit, at the initial stage the defendants orally assured to settle the matter, but they are not ready to come before the Court to settle the matter. Now the defendants are trying to contest the matter by way of changing the advocates and therefore, it is necessary to carry out

amendment in Para No.15 and Para No.22(D) of the plaint for cancellation of the partnership deed dated 23.06.2014. Therefore, the plaintiff has prayed for allowing the application.

3. The copy of the application is furnished to the learned counsel for the defendants No.1 to 3 and he has filed objections to this application submitting that the contents of the application and the accompanying affidavit are false, vexatious and misleading. In the terms and conditions of the partnership deed are clear, unambiguous and they are binding on the parties and as per the Article-14 of Indenture, if there arises any difference between the partners, the matter shall be referred to arbitration. The defendants No.1 to 3 are moving application for reference to Arbitrator as new dispute raised regarding cancellation of partnership deed. Therefore, the present application is not maintainable and consequently, the defendants No.1 to 3 have prayed for dismissal of the application.

4. Heard the arguments of the learned counsel for the plaintiff and also the learned counsel for the defendants No.1 to 3 on the application. Perused the relevant materials on record. Now the points that arise for consideration of this Court are:

1. *Whether the plaintiff has made out any sufficient ground to permit him to amend the plaint as sought for in the application?*
2. *What order?*

5. After hearing the arguments of the learned counsel for both the parties and on considering the relevant materials on record, my findings on the above points are as hereunder:

Point No.1	:	In the negative
Point No.2	:	As per final order
		For the following:

REASONS

6. **POINT No.1:** The suit on hand is filed by the plaintiff for directing the defendants No.1 to 3 to make payment of Rs.7,12,000/- with interest at 12% per annum from partnership to the plaintiff and for such other relief. This would clearly go to show that the suit is filed for recovery of amount as early as

in the year 2020. Now after more than four years from the date of filing of the suit, the plaintiff has come up with the present application to permit him to amend the plaint seeking relief of cancellation of partnership deed dated 23.06.2014.

7. As per the contention of the plaintiff himself it is clear that the partnership deed is dated 23.06.2014. It is not disputed by the plaintiff that there is clause in the partnership deed that if any dispute arises, the matter should be referred to arbitration. Hence, as submitted by the learned counsel for the defendants, the question of cancellation of partnership deed in the suit as sought for by the plaintiff does not arise. When the relief sought for is not prima facie maintainable and further when the relief sought for by way of amendment is prima facie barred by limitation, the question of permitting the plaintiff to amend the plaint does not arise.

8. Moreover, even if it is accepted as true that at the initial stage the defendants assured to settle the matter and

thereafter, by way of changing their advocates, now they are trying to contest the matter, such contention cannot be a ground to permit the plaintiff to amend the plaint as sought for, as the relief claimed by the plaintiff to be inserted by way of amendment, is prima facie barred by limitation. Therefore, any of the contentions put forth by the plaintiff in the affidavit filed along with application does not merit consideration in view of settled principles of law. Therefore, the plaintiff has failed to make out any ground to permit him to amend the plaint as sought for in the application and consequently, the point No.1 is answered in the negative.

9. **POINT NO.2:** From the discussions made herein above, it is clear that the application is liable to be dismissed.

In the result, I proceed to pass the following:

ORDER

The application-IA No.2 filed by the plaintiff under Order VI Rule 17 R/w Section 151 of Civil Procedure Code is hereby dismissed.

In the circumstances, there shall be no order as to costs.

*(Dictated to the Stenographer transcribed by her, corrected and then pronounced by me in Open Court on this **the 4th day of June, 2025**)*

(T. N. Inavally)
Principal District & Sessions Judge,
Belagavi