

KABG040030682023



IN THE COURT OF IV ADDL. CIVIL JUDGE AND JMFC BELAGAVI.

PRESENT: BHUVANESHWARI D. BA, LLB (Hon's), LLM
IV Addl. Civil Judge & JMFC.,
Belagavi.

Dated on this the 09th day of July, 2026

ORIGINAL SUIT No.1003/2023

PLAINTIFF:	Karnataka Vikas Grameen Bank, Having it's Head Office at Dharwad and amongst, the branches, one branch is the Udyambag Branch, Situated at Udyambag, Belagavi Represented by it's Principal Officer – Manager, Shri. Burri Karthik, Age : 30 years, Occ: Service, R/o: Belagavi.
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V/s.

DEFENDANTS:	Shri. Maruti S/o Sadashiv Lohar, Age : 42 years, Occ: Business, R/o: H. No. 52, 3 rd cross, Kalmeshwar Nagar, Majagaon, Belagavi. And another
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ORDER ON I.A.No.IV

APPLICANT/ PLAINTIFF	Karnataka Vikas Grameena Bank
(By Shri S. S. Patil, Advocate)	

-AND-	
DEFENDANTS:	Shri. Maruti S. Lohar and another
(By Shri R. B. Huddar, Advocate for D-1) (By Sri. V. K. Koti, Advocate for D-2)	

PARTICULARS

i	Provision under which the application is filed	Order VI Rule 17 R/w Section 151 of C.P.C
ii	Relief sought for	Amendment of plaint
iii	The date on which the application is filed	05.06.2025
iv	Number of application	I.A. No.IV
v	The date on which the objections are filed by different opponents	16.10.2025
vi	The date on which the orders were passed on the said application.	09.07.2026

ORDER ON I.A.No.IV FILED BY PLAINTIFF UNDER ORDER VI RULE 17 R/W SECTION 151 OF C.P.C

This I.A. is filed under Order VI Rule 17 r/w Section 151 of CPC by the plaintiff seeking to amend the plaint in accordance of the schedule of amendment depicted below for ready reference:

SCHEDULE OF THE AMENDMENT

1A. The defendants have availed loan from Karnataka Vikas Grameen Bank, Udyambag Branch, Belagavi. In mean time Karnataka Vikas Grameen

Bank was amalgamated in to Karnataka Grameen Bank as per the Govt. of India Notification dated 05.04.2025 with effect from 01.05.2025. Erstwhile Karnataka Vikas Grameen Bank is the part and parcel of Karnataka Grameen Bank. The defendants availed loan from Karnataka Vikas Grameen Bank now named as Karnataka Grameen Bank, Udyambag Branch, Belagavi. Karnataka Grameen Bank is having it's Head Office at Ballari and branches at various places, amongst one of the branch, plaintiff bank branch situated Tahasildar Udyambag, Belagavi.

2. In the accompanying affidavit, it is stated that defendants have availed loan from Karnataka Vikas Grameen Bank, Udyambag Branch, Belagavi. It is contended that Karnataka Vikas Grameen Bank amalgamated in to Karnataka Grameen Bank. The fact pertaining to said amalgamation as per the Government of India notification on 01.05.2025 is sought to be brought on record by way of proposed amendment. Hence, this I.A.

3. The counsel for defendant No. 2 has filed objections to the application submitting that the plaintiff has instituted this suit in the name of Karnataka Vikas Grameen Bank and now if the present amendment is allowed it would change the identity of the parties and it would cause defect which is fatal to the suit as it strikes at the identity of the plaintiff at the time of institution of the suit. Further it is contended by the defendant No. 2 that suit is instituted

by non-existent entity which is nullity and no amendment can cure such amendment. Hence, sought for rejection of I.A.

4. Heard Sri. S.S.P counsel for plaintiff and hearing by defendants is taken as nil.

5. After careful perusal of the materials available on record, the following points arise for the adjudication of this court;

POINTS

1. *Whether the application filed by the plaintiff to incorporate changes in the plaint by way of amendment is maintainable?*
2. *What order?*

6. Upon placing emphasis on the facts sworn in the affidavit and the arguments put-forth by the learned counsel for the plaintiff and taking into account the pleadings of both the parties this Court answers the following points as aforementioned;

Point No.1: In the Affirmative

**Point No.2: As per the final order
for the following;**

REASONS

7. **Point No.1:-** The plaintiff is a bank which has filed this suit as against the defendants seeking recovery of money that is due

to payable by defendants. The proposed amendment is bringing fact of amalgamation which do not cause any hardship to the party as entity is existence since from date of institution of the suit, changing of nomenclature of the entity do not make it non-existent. Hence, the proposed amendment is necessary to avoid future ambiguity that is likely to arise in the due course of further proceedings.

8. At this stage, it is pertinent to rely on Judgment of the Hon'ble High Court of Karnataka rendered in W.P. No. 108512/2025 SHRI MOHAMMADRAFI S/O. MEHABUBSABBANDENAWAZ and other Vs. BANDENAWAZ S/O. HUSANSAB TALIKOTI, wherein following Paragraph is relevant in respect of the application:-

51 : The Apex Court in Abdul Rehman and Another vs. Mohd. Ruldu and others has observed as under:

"18. We reiterate that all amendments which are necessary for the purpose of determining the real questions in controversy between the parties should be allowed if it does not change the basic nature of the suit. A change in the nature of relief claimed shall not be considered as a change in the nature of suit and the power of amendment should be exercised in the larger interests of doing full and complete justice between the parties."

9. In view of the dictum laid down in the aforementioned decision the present application deserves to be allowed in order to

avoid multiplicity of proceedings. It is also the matter of record that I.A. is filed at belated stage. Hence, the court deems it appropriate to impose costs. In order to avoid multiplicity of proceedings and to enable final and conclusive determination of rights of the parties in respect of suit claim the proposed amendment is allowed. **Hence, this Court answers Point No.1 in the Affirmative.**

10. **Point No.2:-** Based on the discussions made on Point No.1, this Court proceeds to pass the following;

ORDER

I.A.No.IV filed by the plaintiff under Order VI Rule 17 r/w Section 151 of CPC is hereby allowed subject to payment of costs of Rs.500/-.

The plaintiff is permitted to carryout amendment as sought for within next date of hearing.

Office is directed to peruse the amendment sought in I.A at the time of carrying out the amendment.

For carrying out amendment and for furnishing amended plaint.

(Dictated to the Stenographer Grade-III transcribed and typed by her, corrected by me and then pronounced in the Open Court on this the 09th day of July, 2026)

SD/-

**(Bhuvaneshwari D.)
IV Addl. Civil Judge & JMFC,
Belagavi**