

KABG040012652022



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,  
AT : BELAGAVI.**

**PRESENT : Smt. Preeti L. Malavalli, B.B.A.,LL.B (Hons.)**  
Prl. Civil Judge & JMFC.,  
Belagavi.

**DATED THIS THE 4<sup>TH</sup> DAY OF APRIL-2026**

**ORIGINAL SUIT NO.746/2022**

**PLAINTIFF :**

|    |                                                                                                                                                                         |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) | Shri. Bhavkanna @ Bhaku<br>S/o. Parashram @ Parshu Goral,<br>Age : 66 years, Occ : Agriculture,<br>R/o : R.S.No.119/P1 IIIrd Cross,<br>Anand Nagar, Vadagaon, Belagavi. |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Vs.**

**DEFENDANTS :**

|    |                                                                     |
|----|---------------------------------------------------------------------|
| 1) | The Chairman,<br>Gram Panchayat Desur,<br>Tal : Belagavi & another. |
|----|---------------------------------------------------------------------|

**PARTIES TO I.A.NO.IV****Applicant/Plaintiff :**

|    |                                                           |
|----|-----------------------------------------------------------|
| 1) | Shri. Bhavkanna @ Bhaku<br>S/o. Parashram @ Parshu Goral. |
|    | <b>(By Shri. B. N. Patil, Adv.)</b>                       |

**Vs.****Opponents/Defendants :**

|    |                                                                                          |
|----|------------------------------------------------------------------------------------------|
| 1) | The Chairman,<br>Gram Panchayat Desur,<br>Tal : Belagavi & another.                      |
|    | <b>(Defendant No.1 by Shri. U. G. Kulkarni, Adv.<br/>&amp; Defendant No.2 Ex-parte.)</b> |

|    |                                                                   |                                        |
|----|-------------------------------------------------------------------|----------------------------------------|
| 1. | Provision under which application is filed                        | U/O.VI Rule 17 R/w. Sec. 151 of C.P.C. |
| 2. | Relief sought for                                                 | Amendment of plaint                    |
| 3. | The date on which the application is filed                        | 05.11.2024                             |
| 4. | Number of application                                             | IV                                     |
| 5. | The date on which the objections are filed by different opponent  | --                                     |
| 6. | The date on which the orders were passed on the said application. | 04.04.2026                             |

**ORDER ON I.A.NO.IV FILED BY PLAINTIFF U/O.VI RULE 17  
R/W. SEC.151 OF CODE OF CIVIL PROCEDURE**

This application is filed U/O.VI Rule 17 R/w. Sec.151 of C.P.C. by the plaintiff seeking amendment of plaint as stated in the application. The plaintiff has sought to amend the plaint as follows :

‘1) *In the cause title of the plaint, to add the word ‘and declaration’ at 1<sup>st</sup> line after the word ‘injunction’.*

2) *In the cause title of the plaint, to add the word ‘Rs.2,000/-’ at 3<sup>rd</sup> line after the word ‘Rs.1,000/-’.*

3) *In Page No.6 at Para No.12 of the plaint at 1<sup>st</sup> line, to delete the word ‘Rs.1,000/-’ and to add the word ‘Rs.2,000/-’ in its place.*

4) *In Page No.6 at Para No.12 of the plaint at 3<sup>rd</sup> line add the following words ‘and Section 24(d)’ after the word ‘section 26(c)’.*

5) *In Page No.6 at Para No.13 of the plaint, after the completion of prayer A), add the following paragraph as Para No.AA).*

‘AA) *Declaring that the plaintiff is the absolute owner and in possession of the suit property, as per the compromise decree*

*dated : 30.03.2022 passed by the Hon'ble V Addl. Civil Judge and JMFC, Belagavi'.*

2. In the affidavit annexed to the application, the plaintiff has stated that the suit property is originally owned by his father by name Parashram Goral and as per the compromise decree dated 30.03.2022 passed by Hon'ble V Addl. Civil Judge & JMFC, Belagavi, the plaintiff is the absolute owner in possession of suit property, but the defendants are trying to encroach upon the suit property and therefore the plaintiff is intending to add the relief of declaration in the suit. That if the proposed amendment is not allowed, then the plaintiff would be put to hardship and irreparable loss and on contrary, no loss or hardship would be caused to the other side. On these grounds, the plaintiff has prayed to allow the application.

3. Per contra, the defendants have not filed objection to the said application.

4. On the basis of said application, the following points arise for my consideration :

*i) Whether the applicant/plaintiff has made out grounds to allow the application ?*

*ii) What order ?*

5. My answer to above points are as under :

**Point No.1 : In the Affirmative.**

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

### **REASONS**

6. **Point No.1 :** The plaintiff has filed the present suit seeking the relief of permanent injunction to restrain the defendants from disturbing the peaceful possession of the plaintiff over the suit property. Now the suit is at the stage of further examination-in-chief of PW-1 and the plaintiff has filed the present application seeking the proposed amendment in order to seek the relief of declaration of title in respect of suit property. Per contra, the defendants have not filed objection to the said application.

7. Under Order VI Rule 17 of C.P.C., Court's discretion to grant permission for a party to amend his pleading can be exercised, firstly, where no injustice is done to other side and secondly, the amendment being necessary for the purpose of determining the real question in controversy between the parties also keeping in view the proviso under Rule 17 of Order VI of C.P.C. Even after commencement of the trial, the amendment can be permitted, if it is shown that inspite of due diligence, the applicant could not have raised the matter, earlier to the stage of commencement of the trial.

8. The proposed amendment is sought after commencement of trial, but however it is pertinent to note that this is a suit for permanent injunction and by the proposed amendment, the plaintiff is intending to include the relief of declaration of title. The suit is of the year 2022 and the application is filed in the year 2024. The ground urged in the affidavit annexed to the application is that the defendants are trying to encroach upon the suit schedule property and hence the proposed amendment is very much necessary. As such, the proposed amendment is necessary to adjudicate the matter in dispute between the parties finally and effectively. In order to avoid multiplicity of proceedings, the proposed amendment deserves to be allowed since it would not cause any prejudice to the other side and it would not cause any injustice to the other side, instead it will help the Court in determination of dispute between the parties finally and effectively. Accordingly, I answer **Point No.1 in the Affirmative.**

**9 Point No.2 :** For the above said discussion on Point No.1, I proceed to pass the following :

**ORDER**

***The application i.e., I.A.No.IV filed  
by plaintiff U/O. VI Rule 17 R/w. Sec.151 of  
C.P.C. is hereby allowed.***

***The plaintiff is hereby directed to  
carry out amendment and to file amended  
plaint.***

(Dictated to the stenographer directly on computer, revised by me & after corrections pronounced in the open Court on this the **4<sup>th</sup> day of April-2026.**)

**(Smt. Preeti L. Malavalli)  
Prl. Civil Judge & JMFC,  
Belagavi.**