

KABG040026882022



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 02nd day of July, 2026

ORIGINAL SUIT No. 1399/2022

PLAINTIFF:	1. Mr. Abdul Latif S/o. Abdul Khader Talikoti Age: 65 years, Occ: Business, R/o. New Veerbhadra Nagar, Belagavi.
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V/s.

DEFENDANT:	1. Mr. Mehaboob Guddannavar, Age : 60 years, Occ: Business, R/o: Near Hudadat Masjid, Ujawal Nagar, Belagavi.
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ORDER ON I.A.No.II

APPLICANT/ PLAINTIFF	Mr. Abdul Latif S/o. Abdul Khader Talikoti
(By Shri V. S. Deshpande, Advocate)	
- AND -	
OPPONENTS /DEFENDANT	Mr. Mehaboob Guddannavar
(Exparte)	

PARTICULARS

i	Provision under which the application is filed	Under Order VI Rule 17 R/w Section 151 of CPC
ii	Relief sought for	Amendment of plaint
iii	The date on which the applications is filed	18.02.2025
iv	Number of applications	IA No.II
v	The date on which the objections are filed by different opponents	--
vi	The date on which the orders were passed on the said application	02.07.2026

**ORDER ON I.A No.II FILED BY PLAINTIFF UNDER
ORDER VI RULE 17 R/W SECTION 151 OF CPC**

This I.A. is filed under Order VI Rule 17 r/w Section 151 of CPC seeking permission of the Court to amend the plaint as per the schedule of amendment.

2. In the accompanying affidavit, It is contended by the plaintiff that the suit is instituted seeking the relief of perpetual injunction and it is submitted that earlier counsel who was on record has not brought on record certain pleadings which are in respect of source of title of the vendors. Hence, the plaintiff has moved this application to get paragraph No.3(a) to 3(g) inserted in the plaint and to amend the plaint by bringing in new relief of mandatory

injunction. It is contended that the proposed amendment is necessary to decide the dispute in controversy in the suit. Hence, this I.A.

3. The amendment sought for is extracted below for ready reference;

SCHEDULE OF AMENDMENT

In the cause title of the plaint the claim of Rs.1000/- be deleted and in its place claim of Rs.2000/- be inserted.

After para No.3 of the plaint Para No.3A to 3G be inserted in the plaint:

3A. *The plaintiff submits that originally the property bearing R.S No. 1047/4 an area admeasuring 02 Acre 10 Gunthas was purchased by Balawant Honappa Tarale from 1. Shri. Dharmurao Huvappa Bogar 2. Baburao Huvappa Bogar under registered sale deed dated 05/02/1954 by paying the agreed sale consideration of Rs.9,000/- and accordingly under M.E.No.9206 the name of Balawant Honappa Tarale came to be mutated over the revenue records of R.S No.1047/4 situated within the limits of Belagavi.*

3B. *The plaintiff further submits that unfortunately said Shri. Balawant Honappa Tarale expired on 20/01/1979 leaving behind him his legal heirs i.e., namely his wife Laxmibai Balawant Tarale and married daughter namely., Smt. Shantabai Monappa Muchandi and accordingly names of Smt. Laxmibai Balawant Tarale and Smt. Shantabai Monappa Muchandi came to*

be mutated over property R.S No. 1047/4 under M.E No 8821 as is certified on 10/06/1979. The plaintiff further submits that between the period Smt.Laxmibai Balawant Tarale expired on 03/01/1988 and accordingly the same came to be reported to the concern revenue authority by Smt. Shantabai Monappa Muchandi and thus to that effect M.E No 4523 came to be certified on 21/03/1988 and thereby the name of Smt. Shantabai Monappa Muchandi came to be mutated over revenue record.

3C. *The plaintiff further submits that between the period shri. Monappa Vitthal Muchandi was expired and the same was reported to be dead on 27/09/1999 and accordingly M.E No.4419 came to be certified on 18/12/2000 in mutating the names of his legal heirs namely, 1. Shantabai Monappa Muchani (Wife) 2. Smt. Vimal @ Pushpa Sadashiv Hundare (Daughter) and thus the names of Smt. Shantabai Monappa Muchani (Wife) and Smt. Vimal @ Pushpa Sadashiv Hundare (Daughter) came to be mutated over property bearing R.S.No.1047/4, 1267 paiki & 1257 piki*

3D. *The plaintiff submits that Smt. Vimal @ Pushpa Sadashiv Hundare as sole heir of deceased Monappa Vitthal Muchandi her name came to be mutated over revenue records of R.S No. 1047/4 as an absolute owner and she was/is exercising her lawful right title & possession over property bearing R.S.No. 1047/4 an area admeasuring 02 Acres 10 Gunthas assessed at Rs.2.10 paisa situated within the limits of Belagavi. The plaintiff further submits that looking to the status of property said Smt. Vimal @ Pushpa Sadashiv Hundre through her power of attorney holder namely,Mr.*

Pratap Sadashiv Hundare executed registered sale deed in favour of plaintiff in conveying all that part and parcel of the property comprised in open site residential Plot No. 40 [fourty] an area admeasuring 30' feet x 40' feet in all measuring 1200 sq. feet., from out of R.S No 1047/4 situated at Ujwal Colony, Belagavi, Taluka & District: Belagavi and within the limits of Corporation Of the City of Belagavi and within the jurisdiction of Sub-Registrar Belagavi and the said Residential plot is bounded by as follows: Toward East: plot No.39, Towards West: plot No.41, Towards North: open land, Towards south: Road i.e., suit schedule property by paying sale consideration of Rs.1,50,000/- and accordingly Smt. Vimal @ Pushpa Sadashiv Hundare executed registered sale deed registered in the office of Sub-Registrar Belagavi on 05/10/2020 as is registered under document bearing No. BEL-1-07883-2021 under CD No. BELD1212 dated 05/10/2020.

3E. *The plaintiff submits that accordingly since from 05/10/2020 the plaintiff is exercising his actual lawful right, title and interest and lawful possession, over the purchased property as an absolute owner and equally the name of the plaintiff came to be mutated over assessment extract of City Corporation Belagavi.*

3F. *These being the state of affairs looking to the illegal activities adopted by the defendant the plaintiff constrained to institute the suit before this Hon'ble court for relief of permanent injunction praying for to restrain defendant from disturbing plaintiff's peaceful possession over the suit property.*

3G. *The plaintiff submits that the shrewd defendant during the pendency of suit further undertook illegal activities and in the process illegally constructed RCC building over the suit property without any right, title, interest and therefore the plaintiff is claiming the relief of mandatory injunction to directing defendants, his agents, servants or anybody acting on his behalf to demolish illegal construction constructed over the suit property.*

That at para No.6 at line No.5 after the word the suit valuation act the following lines be permitted to inserted.

“ That the suit is further valued at Rs. 1000/- both for the purpose of court fee and jurisdiction for the grant of mandatory injunction and as such the requisite court fee as required Under Section 26[c] Karnataka Court Fees and Suit Valuation Act 1958 amended up to date is paid thereof.

*That after prayer column **b** the following prayer column '**bb**' be inserted.*

bb. *That the defendant, his agents, servants or anybody acting on his behalf may kindly be directed to be demolish the illegal construction of building by passing an order of mandatory injunction in the ends of promoting justice and equity.*

4. No representation from defendants side, hence, objection to I.A No.III is taken as nil on 09.04.2025.

5. Heard counsel for plaintiff Sri. VSD on I.A. No. II. Hearing by defendants is taken as Nil.

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

POINTS

1. **Whether the applicant has made out sufficient grounds to allow the applications?**
2. **What order?**

7. 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

8. **Point No.1:-** Perusal of the schedule of the amendment shows that the facts that are pleaded are in respect of the mutation entries in the revenue records made by the revenue authorities and other relevant particulars that have direct bearing on the aspect of plaintiff's possession over the suit property. It is also to be noted the subsequent event that has taken place aftermath of institution of the suit wherein the defendant has made attempt to illegally construct RCC building over the suit property are also sought to be brought on

record. In respect of the subsequent event the insertion of additional relief of mandatory injunction and payment of court fee on the additional relief is also sought. The suit is instituted seeking the relief of perpetual injunction and perusal of the schedule of the amendment clearly depicts that the amendment sought is necessary in order to determine the real question in controversy. The said amendment is not likely to alter the nature of the suit and the evidence is not commenced in this suit. Hence, the same is not likely to prejudice the other side.

9. The amendments that are sought to be incorporated are considered as pivotal in order to properly adjudicate the rival claims of the parties involved in the suit and in order to arrive at a just decision of the case, the incorporation of the amendment is not likely to cause any hardship to the other side as the trial has not yet commenced and amendment is sought is well within the time period, instead it helps the court to adjudicate upon the real question in controversy of the suit and paves way for adjudication of rights and liabilities of the parties in this regard.

10. In this suit the relief of perpetual injunction and addition of new relief of mandatory injunction is ancillary to the main relief which is essential to be permitted to be incorporated by way of amendment in order to prevent multiplicity of the proceedings on the same cause of action and the new relief is related to the original claim and on payment of necessary Court fee the plaintiff is

permitted to amend the plaint and add the relief of mandatory injunction. **Based on these observations, Point No.1 is answered in the Affirmative.**

11. Point No.2:- Based on the discussion made on Point No.1, this Court proceeds to pass the following;

ORDER

I.A.No.II filed by the plaintiff under Order VI Rule 17 R/w Section 151 of CPC, hereby allowed.

The plaintiff is directed to carryout amendment in accordance with the schedule of amendment.

(Directly dictated to the Stenographer Grade-III on computer, typed by her and corrected by me and pronounced in the open Court, on this 02nd day of July, 2026)

Sd/-
(Bhuvaneshwari D.)
IV Addl. Civil Judge & JMFC,
Belagavi