

KABG300001522023



**IN THE COURT OF THE SENIOR CIVIL JUDGE
BAILHONGAL, AT: BAILHOINGAL**

Dated this the 7th Day of February 2026

PRESENT:

**Shri. Ravi Babu Chawan,
B.A. LLB.,
Senior Civil Judge, Bailhongal.**

Original Suit No.38/2023

1) Shri. Manjunath S/o Basaveshwar Jamakhandi,
and others

..... Plaintiffs

(By Shri. D.S.D., Advocate)

- V/s -

1) Smt. Kamalamma W/o Shrishail Jamakhandi,
and others

.....Defendants

**(By Sri. R.B.M., Advocate for D1 to D7)
(By Sri. S.M.T., Advocate for D9)
(By Sri. V.G.B., Advocate for D8)**

PARTIES TO IA No.V

1) Shri. Manjunath S/o Basaveshwar Jamakhandi,

Age: 26 years, Occ: Agriculture/Business,
R/o: Nesargi, Tq: Bailhongal, Dist: Belagavi.

Now at: C/o Ulavayya Hiremath,
Kotambri Galli, Bailhongal,
Tq: Bailhongal, Dist: Belagavi.

2) Smt. Suvarna W/o Basaveshwar Jamakhandi,
Age: 46 years, Occ: Agriculture/Business,
R/o: Nesargi, Tq: Bailhongal, Dist: Belagavi.

Now at: C/o Ulavayya Hiremath,
Kotambri Galli, Bailhongal,
Tq: Bailhongal, Dist: Belagavi.

3) Kumari: Sunanda D/o Basaveshwar Jamakhandi,
Age: 22 years, Occ: Student,
R/o: Nesargi, Tq: Bailhongal, Dist: Belagavi.

Now at: C/o Ulavayya Hiremath,
Kotambri Galli, Bailhongal,
Tq: Bailhongal, Dist: Belagavi.

..... Applicants/plaintiffs

(By Sri.D.S.D., Advocate)

-V/s-

1) Smt. Kamalamma W/o Shrishail Jamakhandi,
Age: 70 years, Occ: Household,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

2) Shri. Rajashekhar Shrishail Jamakhandi,
Age: 48 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

3) Shri. Suresh Shrishail Jamakhandi,
Age: 43 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

4) Smt. Annapurna Basavaraj Kannur,
Age: 48 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

5) Shri. Sanjeev Vasanth Jamakhandi,
Age: 45 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

6) Shri. Deepak Vasanth Jamakhandi,
Age: 42 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

7) Smt. Veena W/o Ravi Hattikal,
Age: 40 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

8) Shri. Puttappa Mahadevappa Jamakhandi,
Age: 50 years, Occ: Agriculture,
R/o: Pethe Oni, Nesargi, Tq: Bailhongal,
Dist: Belagavi.

9) Smt. Shrishail Shivappa Hatti,
Age: 38 years, Occ: Agriculture,
R/o: Sunadolli Tota, Sunadolli Village,
Tq: Belagavi, Dist: Belagavi.

.....Opponents/Defendants

(By Sri. R.B.M., Advocate for D1 to D7)

(By Sri. S.M.T., Advocate for D9)

(By Sri. V.G.B., Advocate for D8)

i	Provision under which the application is filed	U/o VI Rule 17 r/w Sec. 151 of CPC
ii	Relief sought for	To amend the plaint by inserting the property
iii	The date on which the application is filed	21-11-2025
iv	Number of the application	IA No.V
v	The date on which the objections are filed by the opponents	14-01-2026
vi	The date on which the orders were passed on the said application	07-02-2026

ORDER ON IA No.V

The applicants/ plaintiffs have filed the present application under Order VI Rule 17 R/w.sec. 151 of CPC seeking permission to amend the plaint by inserting one more property Nesargi Gram Panchayat tiled House property bearing No.623 after para No.1 in the description of the suit property.

2. In the accompanying affidavit filed in support of the application, it is stated that, due to oversight the above said property was not included in the description of the suit property and that the proposed amendment is necessary for proper adjudication of the real controversy between the parties. If the application is

not allowed, the plaintiffs would put to great hardship and loss. On the other hand, no hardship and loss will be caused to the other side. Hence, prayed for allowing the application.

3. The defendant Nos.1 to 7 have filed objections to IA Nos.5, contending that the plaintiffs have not produced any documents to establish their rights over the suit property. It is further contended that the plaintiffs and defendant No.8 are in no way concerned with the suit properties and that the suit has been filed with false and untenable grounds. On these grounds, the defendant Nos.1 to 7 have prayed for dismissal of the application.

4. The defendant No.8 has filed objections, contending that, the application is not maintainable either in law or on facts the description the plaintiffs and himself no way concerned to the suit property. Hence prayed for dismissal of the application.

5. Heard both sides. Perused the material available on record.

6. The following points would arise for my consideration;

1) Whether the plaintiffs are made out sufficient grounds to allow IA No.V?

2) What order?

7. My answer to the above points are as under:

Point No.1: In the Affirmative

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

REASONS

8. **Point No.1:-** The plaintiffs have contended that, due to inadvertence the above said house property was not included in the suit and that the proposed amendment is necessary for proper and effective adjudication of the real controversy involved between the parties.

9. In view of the above rival contentions and submissions, on gone through the proposed amendment and found that it does not change the nature of the suit or caused prejudice to the defendants. On the other hand, the refusal of the amendment would lead multiplicity of proceedings. Further it is relevant to note that the trial of the suit has not yet commenced. The amendment sought is essential for complete adjudication of the suit and to

avoid multiplicity of the proceedings. This court is of the considered view that the application is deserves to the allowed. Accordingly, point No.1 is answered in the ***Affirmative.***

10. **Point No.2:-** In view of the above findings and discussion made on point No.1, this court deems it fit to pass the following;

ORDER

IA No.V filed under Order VI Rule 17 R/w.sec. 151 of C.P.C., by the plaintiffs is hereby allowed.

The plaintiffs are permitted to amend the plaint by inserting Nesargi Gram Panchayat tiled house property bearing No.623 after para No.1 in the description of the suit property of the plaint.

Further the plaintiffs shall carry out the amendment within 14 days from the date of this order.

(Dictated to the stenographer, transcribed and computerized by him, corrected by me, signed and pronounced in the open Court on 7th Day of February, 2026)

(Ravi Babu Chawan)
Senior Civil Judge, Bailhongal.

ORDER ON IA No.VII

The applicants/ plaintiffs have filed the present application under Order VII Rule 14 R/w.sec. 151 of CPC seeking permission to produce the documents as per the separate list.

2. In the accompanying affidavit filed in support of the application, it is stated that the defendant Nos.1 to 7 have illegally got entered their names and that the documents sought to be produced are essential for proper adjudication of the dispute involved in the suit. Hence, the plaintiffs have prayed for allowing the application.

3. The defendant Nos.1 to 7 have filed objections to IA No.6, contending that the plaintiffs have not produced any documents to establish their rights over the suit property. It is further contended that the plaintiffs and defendant No.8 are in no way

concern with the suit properties and that the suit has been filed with false and untenable grounds. On these grounds, the defendant Nos.1 to 7 have prayed for dismissal of the application.

4. The defendant No.8 has filed objections, contending that, the application is not maintainable either in law or on facts the description the plaintiffs and himself no way concerned to the suit property. Hence prayed for dismissal of the application.

5. Heard both sides. Perused the material available on record.

6. The documents sought to be produced appears to be relevant and necessary for determining the real controversy involved between the parties. Permitting production of said documents would not cause any prejudice to the defendants. On the other hand, refusal to receive the documents may result in denial of proper adjudication of the dispute.

Considering the relevancy of the documents, this Court is of the considered view that the application deserves to be allowed. Hence, this court deems it fit to pass the following;

ORDER

IA No.VII filed under Order VII Rule 14 R/w.sec. 151 of C.P.C., by the plaintiffs is hereby allowed.

The plaintiffs are permitted to produce the documents on record.

The defendants are at liberty to cross-examine the witness with reference to the said documents, in accordance with law.

Senior Civil Judge,
Bailhongal

