



**ORDER ON I.A.No. XV**

The defendant No.1 has filed this present application U/o VI Rule 17 R/W Sec.151 CPC praying to permit her to amend the written statement as per the proposed amendment.

2. In the proposed amendment the defendant No.1 is intending to explain about the Will executed deceased Yamanavva infavour of her grand daughter by name Siddavva W/o. Ramappa Karennavar on 13.12.1995 in respect of R.S.No.41/1+2/A.

3. In the accompanying affidavit the defendant No.1 contended that at the time of filing of her written statement she did not instructed her counsel with regard to the registered Will deed executed by deceased Yamanavva infavour of her daughter's daughter by name Siddavva W/o. Ramappa Karrennavar on 13.12.1995 in respect of her share in R.S.No.41/1+2/A. Further she contended that she did not have documents regarding the will executed by deceased Yamanavva. She recently



found the copy of the said Will recently accordingly, she has to narrated the very subject matter of Will in her written statement. Hence, it is necessary for her to amend the written statement as per the proposed amendment. If the application is allowed, no loss or hardship will be caused to the other side, if not she will be put to irreparable loss and injury. Hence, prayed to allow the application.

4. The plaintiff filed objections to this application by denying entire contentions of the defendant No.1. Further contended that the defendant No.1 in her written statement has falsely contended that deceased Yamanavva was having a sister and the said sister is having children. Now, in the application also the defendant No.1 is falsely contending that there is a deed in respect of 02 acres 14 guntas of land executed by Yamanavva infavour of her. The said document is created document and by giving false information and contending false acts this application is filed and the defendants No.1 has not obtained any probate based on the Will and not



produced any document to show that Yamanava was having children. As such, the application is not maintainable hence, prayed to dismiss the application.

5. Heard both side. Perused the application and records.

6. The points that arise for my consideration are;

**1. Whether the defendant No.1 has made out grounds to permit her to amend the written statement as per the proposed amendment?**

**2. What order?**

7. My findings on the above points are:

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

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

**REASONS**

8. **POINT No.1:** When this case is posted for cross-examination of the PW2 and 3, the defendant No.1 has



filed this present application. The defendant No.1 contending that at the time of filing of her written statement, she could not instructed her counsel with regard to the alleged Will executed by her grand mother. Now, she has found the copy of the Will and accordingly she narrated very said fact to her counsel and filed this application. By perusing the facts stated in the proposed amendment it goes to shows that the defendant No.1 is intending to plead about the facts with regard to the execution of the Will deed by deceased Yamanavva infavour her daughter's daughter by name Siddavva on 13.12.1995 in respect of R.S.No.41/1+2/A which is one of the suit property. As this a suit for declaration in respect of the Sy.No.41/1+2/A by perusing the said facts stated in the proposed amendment it appears that it is just and necessary for the defendant to plead the said facts in her written statement. Further in order to decide the rights of parties effectively, it is just and necessary to permit the defendant No.1 to amend the written statement, if the defendant No.1 is permitted to amend the written statement as per the proposed amendment, it will not



cause any loss or injury is to the plaintiff and moreover the plaintiff is having every opportunity to file the rejoinder. Hence, I am of considered view that the defendant No.1 has made out grounds to amend the written statement as per the proposed amendment. Hence, I answer the **point No.1 in the Affirmative.**

9. **POINT No.2:** For the aforesaid findings, I proceed to pass the following:

**ORDER**

The application filed by the defendant No.1 U/o VI Rule 17, R/W Sec.151 of CPC at I.A.No.XV is hereby allowed.

The defendant No.1 is directed to carryout necessary amendment to the written statement and furnish the amended written statement on or before next date of hearing.

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O.S.No.233/2020

Call on for carrying out amendment  
and furnishing amended written  
statement by 02/09/2024.

Sd/-

**Prl. Sr.C.J.Gokak.**