



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, GOKAK.**

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.219/2020

DATED THIS 22nd DAY OF JANUARY-2026

Plaintiff: 1. Guruputra Basavantappa Mamadapur,
Age: 76 years, Occ: Agriculture,
R/o: Professor Colony, Gokak, Tq: Gokak.

V/s

Defendants: 1. Ningappa Maruti Sayannavar,
Age: 65 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.

2. Basavaraj Ningappa Sayannavar,
Age: 47 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.

3. Babu Ningappa Sayannavar,
Age: 45 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.

4. Shankar Ningappa Sayannavar,
Age: 42 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.

5. Prakash Ningappa Sayannavar,
Age: 39 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.

- 5A. Smt. Shakuntala Prakash Sayannavar,
Age: 31 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.
- 5B. Kumari Jyoti D/o Prakash Sayannavar,
Age: 16 years, Occ: Student,
R/o: Kemmankol, Tq: Gokak.
- 5C. Kumari Pooja D/o Prakash Sayannavar,
Age: 12 years, Occ: Student,
R/o: Kemmankol, Tq: Gokak.
- 5D. Maruti Prakash Sayannavar,
Age: 10 years, Occ: Student,
R/o: Kemmankol, Tq: Gokak.
- 5E. Kumari Priyanka D/o Prakash Sayannavar,
Age: 06 years, Occ: Student,
R/o: Kemmankol, Tq: Gokak.
- 6. Lakkappa Ningappa Sayannavar,
Age: 37 years, Occ: Agriculture,
R/o: Kemmankol, Tq: Gokak.
- 7. Shivaputra Basavantappa Mamadapur,
Age: 78 years, Occ: Agriculture,
R/o: Holalkeri, Tq: Holalkeri.
- 8. Vijaykumar Basavantappa Mamadapur,
Age: 67 years, Occ: Doctor,
R/o: Sunadholi, Tq: Mudalagi.
- 9. Rudrappa Basavantappa Mamadapur,
Age: 59 years, Occ: Agriculture,
R/o: Poona, Tq: Poona.
- 10. Balesh Basavantappa Mamadapur,
Age: 56 years, Occ: Agriculture,
R/o: Gadiglaji, Tq: Gadiglaji.

11. Smt. Padmavati Dattatrey Narvekar,
Age: 64 years, Occ: Household,
R/o: Kurli, Tq: Chikkodi.
12. Smt. Vidya Virupaxi Mamadapur,
Age: 42 years, Occ: Household,
R/o: Basavnagar, Gokak, Tq: Gokak.
13. Pratik Virupaxi Mamadapur,
Age: 21 years, Occ: Student,
R/o: Gokak, Tq: Gokak.

PARTIES TO I.A.No.XX U/o VI RULE 17 R/W SEC 151 OF CPC

Applicant: 1. Ningappa S/o. Maruti Sayannavar
.....Deft.No.1/Applicant

Vs.

Opponents: 1. Guruputra S/o. Basavantappa Mamadapur
.....Plaintiff/Opponent

**ORDERS ON I.A.No.XX FILED U/o VI RULE 17 R/W SEC
151 OF CPC**

The defendant No.1 to 4 and 6 filed this present application U/o VI Rule 17 R/W Sec.151 of CPC at I.A.XX praying to permit them to amend the written statement as per the proposed amendment.

2. In the accompanying affidavit, the defendant No.1 contended that the plaintiff has filed false suit for possession against

him and other defendants in respect of R.S.No.37/1 measuring 15 acre 21 guntas out of it 04 acre 20 guntas of Tapashi village. They have denied the claim of the plaintiff by way of adverse possession. Initially the plaintiff was filed suit against him and defendant No.2 to 5 only. In view of taking the defense by them the plaintiff impleaded defendant No.7 to 13 in this suit. The defendant No. 7 to 13 have filed their written statement and took several contentions. Earlier they have sought for his ownership over the suit property by way of adverse possession against the plaintiff only. The defendant No.7 to 13 were also sought for possession of the suit property for him and other defendants and also claimed off of income from the suit property hence, it is just a necessary for them to amend the written statement. The proposed amendment does not change the nature of the suit and cause of action and same is just a necessary for deciding the rights of the parties. Hence, prayed to allow the application.

3. The plaintiff filed objections to this application by denying entire contention of the defendants. Further contended that

the plaintiff has filed this present application after filing their written argument only in order to fill of the lacuna in their case hence, this application is not maintainable one. Further contended that the defendant No.1 to 4 and 6 were cross-examined the other defendants at the time they have not taken any such contention now all of sudden they filed this present application after filing their written argument. The defendants have not diligent in contending their case and after commencement of trial the amendment cannot be allowed and by way of amendment the defendants are introducing new case which is not permissible under law. Hence, prayed to reject the application.

4. Heard both side. Perused the application and records.
5. The points that arise for my consideration are as follows:

- 1. Whether defendant No.1 to 5
made out grounds to permit them to
amend the written statement as per
the proposed amendment?**
- 2. What order?**

6. My findings on the above Points are:

Point No.1:- In the Affirmative

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

REASONS

7. **Point No.1:-** When this matter is posted for defendants side arguments at the time this present application is filed by defendant No.1. The defendant No.1 contended that after impleading the defendant No.7 to 13 the defendant No.7 to 13 have filed their written statement took several contentions and initially they have sought for ownership to the suit property by way of adverse possession only against the plaintiff and the defendant No.7 to 13 have also sought for possession of the suit property from him and other defendants and also claimed off of the income from him and other defendants in view of the contentions taken by defendant No.7 to 13 it is necessary for him to amend the written statement.

8. I have perused the proposed amendment sought by the defendant No.1 in the proposed amendment the defendant

No.1 taking contention that the defendant No.7 to 13 were doing different avocation they were not cultivating the suit property and they were not residing at Kemmankol and Tapashi village himself and defendant No.2 to 6 are in possession use and enjoyment of the suit property till this day and same was well within the knowledge of the defendant No.7 to 13 and they have not caused any obstructions for their use and enjoyment of the suit property of any point of time. Now their possession is openly and continuously as of their right to the suit property only of defendant No.1 to 6 and plaintiff and also public at large and they perfect by way of adverse possession and they are also claiming their ownership to the suit property against the defendant No.7 to 13 by way of adverse possession.

9. From the facts stated in the proposed amendment it goes to shows that the defendant No.1 is also seeking adverse possession against the defendant No.7 to 13 in view of the contentions taken by defendant No.7 to 13 in their written statement. In order to defend their right over the suit property for defendant No.1 to 6 it is just a necessary to

permit the defendant No.1 to amend the written statement as per the proposed amendment. The proposed amendment does not change the nature of the suit and it will also not cause any loss or injury to the other side. If the defendant No.1 is not permitted to amend the written statement as per the proposed amendment definitely it will cause great loss and hardship to the defendant No.1. Hence, I am of the consider view that the defendant No.1 has made out grounds to permit him to amend the written statement as per the proposed amendment. Hence, **I answered the Point No.1 in the Affirmative.**

10. **Point No.2:-** For the aforesaid findings, I proceed to pass the following;

ORDER

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

Defendant No.1 is directed to carryout necessary amendment to the written statement and furnish the amended

written statement on the next date of
hearing.

Call on by 27.01.2026.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 22nd day of January. 2026.)

(Umesh S. Atnure)
Prl. Senior Civil Judge Gokak.