

KABG500001092022



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

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.75/2022

DATED THIS 07th DAY OF JULY-2025

Plaintiffs:

1. Sri. Laxman S/o Kallappa Pujeri,
Age: 48 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.
2. Sri. Mutteppa S/o Kallappa Pujeri,
Age: 39 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.
3. Smt. Rukmavva W/o Kallappa Pujeri,
Age: 70 years, Occ: Household.
R/o: Beeranagaddi, Tq: Gokak.

V/s

Defendants:

1. Sri. Gurusidda S/o Kallappa Pujeri,
Age: 27 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.
2. Sri. Kallappa S/o Dundappa Pujeri,
Age: 42 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.

3. Sri. Balappa S/o Channabasappa Telagade,
Age: 46 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.
4. Smt. Siddavva W/o Shivappa Makani,
Age: 47 years, Occ: Household,
R/o: Sunadholi, Tq: Mudalagi.
5. Smt. Khanavva W/o Vittal Kulagod,
Age: 44 years, Occ: Household,
R/o: Tapasi, Tq: Gokak.
6. Smt. Sayavva @ Basavva W/o
Shankar Soragavi,
Age: 35 years, Occ: Household,
R/o: Yaragatti, Tq: Jamakhandi,
7. Smt. Kamalavva W/o Yamanappa Siddapur,
Age: 32 years, Occ: Household,
R/o: Honakuppi, Tq: Mudalagi.

PARTIES TO I.A.No.VII U/o VI RULE 17 OF CPC

Applicant: 1. Mutteppa Kallappa Pujeri and others

.....Applicant/Plaintiffs
Vs.

Opponents: 1. Gurusidda Kallappa Pujeri and others

.....Opponents/Defendants

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

The plaintiff filed this present application U/o VI Rule 17 R/W
Sec.151 CPC at I.A.VII praying to permit the plaintiff to amend the plaint

as per the proposed amendment. In the proposed amendment plaintiff wants to insert para No.6A in the plaint.

2. In the accompanying affidavit, the plaintiff No.2 contended that they have filed a suit for partition and separate possession against the defendants. At the time of filing of this suit the defendant No.8 to 19 were not impleaded as party so also the property bearing R.S.No.144 is also not included. After filing this suit the defendants in their written statement took the contention that suit is bad for non joinder of necessary parties and also non inclusion of all the family properties due to which it is just a necessary for them to amend the plaint as per the proposed amendment. The facts stated in the proposed amendment does not change the nature of the suit nor cause of action and if this application is allowed it will not cause any loss or hardship to the other side. Hence, prayed to allow the application.

3. The defendant No.2 filed objections to this application contending that the plaintiffs are not explain delay in filing this application as already the plaintiff side evidence is the commenced without explaining the delay in filing this application the application is not maintainable one. Hence, prayed to reject the application.

4. Hear both side. Perused the application and records.

5. The points that arise for my consideration are;

1. Whether the plaintiff have made out grounds to permit them to amend the plaint 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:** This present application is filed by the plaintiff when this case is posted for plaintiff evidence the plaintiff have filed this suit for partition and separate possession. The defendants in their written statement took the contention that suit is bad for non joinder of necessary parties and non inclusion of all the joint family properties. Thereafter, the plaintiffs have filed I.A.No.9 U/o I Rule 10, R/W Section 151 of CPC praying to implead the proposed defendant No.8 to 19 in this suit and this said application was came to be allowed and proposed defendants are impleaded as defendant No.8 to 19 in this suit. In view of

impleading defendant No.8 to 19 it is just a necessary for the plaintiff to amend the plaint as per the proposed amendment and the facts stated in the proposed amendment pertains to the defendant No.8 to 19 and alienation of the R.S.No.144 to one Siddappa Tammanna Pamaladinni and the facts stated in the proposed amendment does not change the nature of the suit and cause of action and it will also does not cause any loss or hardship to the other side. If the plaintiff is not permitted to amend the plaint it will not cause any loss or injury to the other side. Hence, I am of the consider view that the plaintiff have made out grounds to permit them to amend the plaint as per the proposed amendment. Hence, **I answered the point No.1 in the Affirmative.**

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

ORDER

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

Plaintiff is directed to carryout necessary amendment to the plaint and furnish the

amended plaint on hear before next date of
hearing.

Call on by 18.07.2025.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 07th day of July. 2025.)

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