

KABG500006202016



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

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.221/2016

DATED THIS 17th DAY OF JUNE-2026

Plaintiff: 1. Amar S/o. Ramappa Mavingidad,
Age: 27 years, Occ: Pvt., job & Agriculture,
R/o: Kalliguddi, now at Gokak.

V/s

Defendants: 1. Ramappa S/o. Bhimappa Mavingidad,
Age: 54 years, Occ: Service,
R/o: Kalliguddi, now at Aditya Nagar, Gokak.

2. Sunanda W/o. Ramappa Mavingidad,
Age: 48 years, Occ: Household,
R/o: Kalliguddi, now at Aditya Nagar, Gokak.

3. Amogh S/o. Ramappa Mavingidad,
Age: 29 years, Occ: Pvt., job & Agriculture,
R/o: Kalliguddi, now at Aditya Nagar, Gokak.

4. Mallappa S/o. Allappa Arabhavi,
Age: 30 years, Occ: Agriculture,
R/o: Madabhanvi, now at Kalliguddi, Tq: Gokak.

5. Allappa S/o. Basappa Arabhanvi
Since deceased R/by his LRs.

- 5A. Smt. Vimalavva W/o. Allappa Arabhavi,
Age: 58 years, Occ: Household,
R/o: Kalliguddi, Tq: Gokak.
- 5B. Rajeshwari D/o. Allappa Arabhavi,
Age: 35 years, Occ: Household,
R/o: Kalliguddi, Tq: Gokak.
6. Nagappa S/o. Allappa Arabhavi,
Age: 28 years, Occ: Agriculture,
R/o: Madabhanvi, now at Kalliguddi, Tq: Gokak.

PARTIES TO I.A.No.IX FILED U/o VI RULE 17 OF CPC
AND I.A.No.X FILED U/o VII RULE 14 R/W/SECTION
151 OF CPC

Applicant: 1. Hanamant S/o. Satteppa Mavingidad

.....Applicant/G.P.A. Holder of
Plaintiff

Vs.

Opponents: 1. Ramappa S/o. Bhimappa Mavingidad
and others

.....Opponents/Defendants

ORDERS ON I.A.No.IX FILED U/o VI RULE 17 OF CPC
AND I.A.NO.X FILED U/o VII RULE 14 R/W/SECTION
151 OF CPC

The plaintiff has filed these applications praying to permit them to amend the plaint as per the proposed amendment and permit them to produce the documents.

2. In the accompanying affidavit of IA.No.IX, the GPA holder of the plaintiff contended that the plaintiff has filed this suit for partition and separate possession. Already the suit was came to be decreed aggrieved by the same defendants No.4 to 6 preferred appeal before the Hon'ble High Court of Karnataka, wherein the Hon'ble High Court of Karnataka pleased to allow the appeal and permitted the defendants No.4 to 6 to file their written statement. The defendants No.4 to 6 by taking false contentions filed their written statement. In order to rebut the contentions of the defendants No.4 to 6 it is just and necessary for them to amend the plaint as per the proposed amendment. Through this proposed amendment he sought to include certain properties and give more explanation with regard to the acquisition of those properties independently by the defendants No.1 and 2. The amendment sought by them is formal in nature and giving more explanation and the proposed amendment will not change the nature of the suit nor cause of action. In order to avoid the legal hurdles in view of contentions taken by the defendants it is just and necessary for them to amend the plaint as per the proposed amendment and there is no will delay or latches on their part and proposed amendment sought by them is just and necessary to decide this

case. If the application is allowed it will not caused loss or injury to the other side.

3. In the accompanying affidavit of IA.No.X the GPA holder of plaintiff contended that he is produced some important documents pertaining to the suit properties involved in this suit. The said documents very much helpful for him in deciding case on merits and those documents are public documents and it will not cause any surprise to the other side. If the application is allowed no loss or injury will be caused to other side if not he will be put to irrepealable loss and injury. Hence, prayed to allow the applications.

4. The defendants No.4 to 6 filed their objections to these applications by denying entire contentions of the plaintiff. Further they contended that this suit is of the year 2016, the plaintiff was full aware of their family properties, inspite of it they have not included R.S.No.99/2/2, 121/1+2+3+4A/D in this suit. Already the evidence is commenced and during the cross-examination of PW1 some facts were elicited with regard to non-inclusion of the above said properties in order to fill up those lacuna the plaintiff has filed this false applications and as per the provisions of Order VI Rule 17 after commencement of trial no amendment shall be allowed. The

conduct of the plaintiff and defendants No.1 to 3 clearly indicates collusion in between them and only with an intention to defeat the lawful rights of the purchasers the plaintiff has filed these false applications. Hence, prayed reject the applications.

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

6. The points that arise for my consideration are;

1. Whether the plaintiff has made out grounds to permit him to amend the plaint as per proposed amendment and to produce the documents?

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 matter is posted for cross-examination of PW2 and 3 at that time the plaintiff has filed these applications. By way of amendment the plaintiff is intending to insert certain properties and he is also giving some explanation

how those properties are acquired by their family members and what are the transactions took place in respect of those properties. As this is a suit for partition and separate possession inclusion of all the family properties is just and necessary in order to adjudicate the matter effectively. Further it is also necessary to plead how those properties are acquired and what are the transactions took place with regard to the family properties. Further by perusing the facts stated in the proposed amendment it is clear that the plaintiff is explaining why certain properties are not included in this suit which were purchased by defendant No.1. By perusing the facts stated in the proposed amendment it clearly goes to shows that the facts stated in the proposed amendment are just and necessary to decide the rights of the parties effectively. The proposed amendment does not change the nature of the suit and cause of action and it will also not cause any loss or injury to the other side. If the plaintiff is not permitted to amend the plaint as per the proposed amendment it will cause loss or injury to the plaintiffs. Hence, I am of the considered view that the plaintiff has made out grounds to permit him to amend the plaint as per the proposed amendment.

9. Along with IA.No.X the plaintiff is intending to produce the RTC extracts of certain properties, mutation register extracts, sale deed copies, salary certificate of defendant No.1, income certificate issued by the Tahasildar. I have perused the documents which are produced by the plaintiff along with this application, the said documents are pertaining to the suit properties and the plaintiff is relying on those documents, as such it is just and necessary to permit the plaintiff to produce the documents annexed to this application. If the plaintiff is permitted to produce these documents it will not cause any loss or injury to the other side. If not the plaintiff will be put to irrepealable loss and injury. Hence, I am of the considered view that the plaintiff has made out grounds to permit him to produce the documents annexed to IA.No.X. 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 application filed by the plaintiff U/o VI Rule 17 R/W Sec.151 of CPC and Under Order VII Rule 14 R/W Sec.151 of CPC filed at I.A.No.IX and X are hereby allowed.

The plaintiffs are permitted to carryout amendment to the plaint as per the proposed amendment and the plaintiff is permitted to produce the documents annexed to IA.No.X.

Call on for furnishing the amended plaint by 23.06.2026.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 17th day of June, 2026.)

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