

KABG500001232024



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

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.57/2024

DATED THIS 17th DAY OF AUGUST-2026

- Plaintiffs:
1. Ningappa S/o. Adivappa Adibatti,
Age: 77 years, Occ: Retired Principal,
R/o: Melavanki, Tq: Gokak, Dist: Belagavi now at
Plot No.50, Lingaraj Nagar, Hubballi.
 2. Rayappa S/o. Basavanni Adibatti,
Age: 56 years, Occ: Agriculture,
R/o: Near Byali Basappa Temple, (Basava Nagar),
Nekavanki, Tq: Gokak, Dist: Belagavi.
 3. Mallappa S/o. Basavanni Adibatti,
Age: 50 years, Occ: Agriculture,
R/o: Mangi Oni Main Road, Melavanki,
Tq: Gokak, Dist: Belagavi.
 4. Smt. Siddavva W/o. Basavanni Adibatti,
Age: 75 years, Occ: Household,
R/o: Mangi Oni Main Road, Melavanki,
Tq: Gokak, Dist: Belagavi.

V/s

- Defendants:
1. Rayappa S/o. Yallappa Adibatti,
Age: 64 years, Occ: Retired Teacher,
R/o: Near Killa, Munavalli,
Tq: Savadatti, Dist: Belagavi.

2. Gurulingappa S/o. Basavanneppa Adibatti,
Age: 66 years, Occ: Agriculture,
R/o: Near Byali Basappa Temple, (Basava Nagar),
Nekavanki, Tq: Gokak, Dist: Belagavi.
3. Bhimasheppa S/o. Basavanneppa Adibatti,
Age: 63 years, Occ: Agriculture,
R/o: Near Byali Basappa Temple, (Basava Nagar),
Nekavanki, Tq: Gokak, Dist: Belagavi.
4. Basavaraj S/o. Yallappa Adibatti,
Age: 65 years, Occ: Agriculture,
R/o: Mangi Oni Main Road, Melavanki,
Tq: Gokak, Dist: Belagavi.

PARTIES TO I.A.No.II FILED U/o VI RULE 17
R/W/SECTION 151 OF CPC

Applicants: 1. Mallappa S/o. Basavanni Adibatti
and others

.....Applicants/plaintiffs

Vs.

Opponents: 1. Rayappa S/o. Yallappa Adibatti
and others

.....Opponents/Defendants

ORDERS ON I.A.No.II FILED U/o VI RULE 17 OF CPC

The plaintiffs have filed this present application U/o VI Rule 17 of CPC at IA.No.II praying to permit them to amend the plaint as per the proposed amendment.

2. In the accompanying affidavit the plaintiff No.3 contended that at the time of filing of this suit they have not properly shown

the genealogy and shares of respective parties as such, they have filed this present application to amend the plaint with regard to the genealogy and respective shares of the parties. They contended that in their genealogy they have shown only Rayappa is the son of his father Ramanagouda, the Ramanagouda had another son by name Bhimasheppa, they have not shown the Bhimasheppa in the genealogy and further the Malleshappa had three sons but they have not shown the same in the genealogy. As such, they prayed to permit them to amend the genealogy and also the shares of the respective parties in the plaint. If they are permitted to amend the plaint as per the proposed amendment, it will not cause any loss or injury to the other side, if not they will be put to irreparable loss and injury. Hence, they prayed to allow the application.

3. The defendants have filed his objections to this application by denying the entire contentions of the plaintiffs. Further contended that this present application is filed at a belated stage and the plaintiffs have not produced any documents in support of the proposed amendment. Now the case is posted for plaintiffs evidence and they have taken sufficient time to lead the plaintiffs evidence but only with an intention to drag on the matter they have filed this application and the plaintiffs have not given proper

reasons to permit them to amend the plaint. Hence, they prayed to reject the application.

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

5. The points that arise for my consideration are;

1. Whether the plaintiffs 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:** When the matter is posted for plaintiffs evidence at that the plaintiffs have filed this present application. It is the contention of the plaintiffs that in the genealogy they have not shown Malleshappa is the son of Bhimasheppa and in line No.11 of para No.4 they have shown only the Malleshappa, now they have intended to amend the same as Malleshappa son of Bhimasheppa and so also they want to amend the shares of the

respective parties by amending the genealogy. By perusing the proposed amend it is clear that the plaintiffs are intending to amend the genealogy and accordingly the shares of the respective parties. The proposed amendment does not change the nature of the suit and cause of action. Further this is a suit for partition and separate possession furnishing the proper genealogy is just and necessary and the proposed amendment is just and necessary for deciding the rights of the parties effectively. If the plaintiffs are permitted to amend the plaint as per the proposed amendment it will not cause any loss or injury to the defendants. Hence, I am of the considered view that the plaintiffs are to be permitted 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 plaintiffs U/o
VI Rule 17 R/W Section 151 of CPC at
IA.No.II is hereby allowed.

The plaintiffs are permitted to carryout
necessary amendment to the plaint and

furnish the amended plaint on or before next date of hearing.

Call on for furnishing amended plaint by
25.08.2026.

(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 August, 2026.)

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