

KABG500015052022



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

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.752/2022

DATED THIS 10th DAY OF JULY-2026

- Plaintiffs: 1. Smt. Laxmavva W/o. Beerappa Kallatti,
Age: 62 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.
2. Smt. Siddavva W/o. Beleppa Hatti,
Age: 30 years, Occ: Agriculture,
R/o: Bolkadabi, Tq: Svadatti.

V/s

- Defendants: 1. Prabu S/o. Beerappa Kallatti,
Age: 46 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.
2. Suresh S/o. Beerappa Kallatti,
Age: 44 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.
3. Anand S/o. Beerappa Kallatti,
Age: 46 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.
4. Vithal S/o. Beerappa Kallatti,
Age: 46 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.

5. Vithal S/o. Tippanna Godi,
Age: 45 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.
6. Beerappa S/o. Sannasiddappa Godi,
Age: 44 years, Occ: Agriculture,
R/o: Benachinamaradi, Tq: Gokak.

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

Applicant: 1. Beerappa S/o. Sannasiddappa Godi

.....Applicant/Defendant 6

Vs.

Opponents: 1. Smt. Laxmavva W/o. Beerappa Kallatti
and another

.....Opponents/Plaintiffs

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

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

2. In the accompanying affidavit, the defendant No.6 contended that the plaintiffs have filed this suit for partition and separate possession in RS.No.51/2 now 51/4 measuring 02 acres 20 guntas the said land has been sold by the defendants No.1 to 4 infavour of defendant No.5 in the year 2017 and in the year 2017 there was a

partition in between him and defendant No.5. In that partition 02 acres 20 guntas of land in RS.No.51/2 is fallen to his share by oversight he did not took the said contention in his written statement. The said contention is very important contention and facts stated in the proposed amendment does not change the nature of this suit. As such prayed to allow the application.

3. The plaintiffs filed objections to this application by denying entire contentions of the defendant No.6. Further contended that already the evidence is commenced hence, this present application is not maintainable one and after lapse of three years the present application is filed without any basis. As such, 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 defendant No.6 has made out grounds to permit him 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 evidence at that time the defendant No.6 has filed this application. The defendant No.6 contended that the defendant No.5 was purchased R.S.No.51/2 measuring 02 acres 20 guntas of land from the defendants No.1 to 4 and in the year 2017 a partition was effected in between him and defendant No.5 in that partition the said land is fallen to his share. The defendant No.6 contended that when he filed the written statement by oversight he has not taken the said contention in his written statement, by way of amendment he is taking the said contention. The facts stated in the proposed amendment does not change the nature of the suit and it will not cause any loss or prejudice the plaintiffs. The facts stated in the proposed amendment is just and necessary for deciding the rights of the parties. Hence, I am of the considered view that the defendant No.6 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.**

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

ORDER

The application filed by the defendant No.6 U/o VI Rule 17 R/W Sec.151 of CPC filed at I.A.No.X is hereby allowed.

The defendant No.6 is directed to carryout necessary amendment to the written statement and furnish the amended written statement on or before next date of hearing.

Call on for furnishing the amended written statement by 24.07.2026.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 10th day of July, 2026.)

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