

KABG600004892014



**IN THE COURT OF SENIOR CIVIL JUDGE, AT HUKKERI
ITINERARY COURT AT SANKESHWAR**

:PRESENT :

Present: RAJANNA SANKANNANAVAR,

B.A., LL.B.,(Spl.)

**Senior Civil Judge, Hukkeri,
Itinerary Court at Sankeshwar.**

O.S. No.88/2014

Dated this the 9th day of October 2025

BETWEEN:

1. Shri Vishnu Yallappa Keloji
.....Plaintiff

AND:

1. Shri Vasant Dattatreya Gavade and Others
.... Respondents

Parties to I.A.No.XXVI

1. Shri Vishnu Yallappa Keloji
.....Applicant/plaintiff

:AND:

1. Shri Vasant Dattatreya Gavade and Others
....Opponents/Defendants

I.A. No.XXVI filed U/O.VI Rule 17 R/w Sec.151 of CPC

The applicant/plaintiff has filed present application and prays to permit amendment as shown below in the plaint.

2. The particulars of amendment as follows :

“ಲಗತ್ತ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಬರೆದ ಕಾರಣಗಳ ಸಲುವಾಗಿ ವಾದಿಗೆ ವಾದಪತ್ರದ ಪುಟ ಸಂಖ್ಯೆ 2ರ ಕಂಡಿಕೆ 1ರಲ್ಲಿಯ ದಾವಾ ಮಿಳಖತಿಯ ವಿವರಣೆ ಕಂಡಿಕೆಯ 3ನೇ ಸಾಲಿನಲ್ಲಿ "162/4 ಪಿ2" ಅನ್ನುವ ಶಬ್ದದ ನಂತರ ರಿ.ಸ.ನಂ.180/1+2+3A, ರಿ.ಸ.ನಂ.180/1+2+3B ಅಂತಾ ಸೇರಿಸಲು ಹಾಗೂ ಪರಿಶಿಷ್ಟ ಅ ದಲ್ಲಿ 2ನೇ ಪುಟದಲ್ಲಿ '4,75,000' ಅಂತಾ ನಮೂದಿಸಿದ ಸಾಲಿನ ನಂತರ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿದಂತೆ ತಿದ್ದುಪಡಿ ಮಾಡಿಕೊಂಡು ದಾವೆಯನ್ನು ಮುನ್ನಡೆಸಲು ಅವಶ್ಯಕ ಹುಕುಂ ಮಾಡಬೇಕಾಗಿ ವಿನಂತಿ ಅದೆ.

ತಿದ್ದುಪಡಿ ಆಗತಕ್ಕ ವಿಷಯ :-

14	180/1+2+3A	0 ಎ-14 ಗು	1.34	0 ಎ-14 ಗು	1,40,000/-	½	70,000/-
15	180/1+2+3B	0 ಎ-14 ಗು	1.42	0 ಎ-06 ಗು	60,000	½	30,000
					2,00,000		1,00,000

ಅಂತಾ ಹಾಗೂ ಅಸಲ ಅರ್ಜಿಯ ಪುಟ ಸಂಖ್ಯೆ 5 ರ 7 ನೇ ಕಂಡಿಕೆಯಾದ ಕೋರ್ಟ್ ಫೀ ಬಗ್ಗೆ ಅನ್ನುವ ಕಂಡಿಕೆಯ ಮೂರನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.30.37 ಪೈ ಅನ್ನುವುದನ್ನು ತೆಗೆದು ಹಾಕಿ ಆ ರಿಕಾಣಿಯಲ್ಲಿ 'ರೂ.33.13 ಪೈ' ಅಂತಾ ಹಾಗೂ ರೂ.380.00 ಇದ್ದದ್ದನ್ನು ತೆಗೆದು ಹಾಕಿ ಆ ರಿಕಾಣಿಯಲ್ಲಿ 'ರೂ.415.00 ಪೈ' ಹಾಗೂ 5 ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.190.00 ಅನ್ನುವ ತೆಗೆದು ಹಾಕಿ ಆ ರಿಕಾಣಿಯಲ್ಲಿ 'ರೂ.207.50 ಪೈ' ಅಂತಾ ಹಾಗೂ 10 ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.9,50,000/- ಅಂತಾ ಇದ್ದದ್ದನ್ನು ತೆಗೆದು ಹಾಕಿ ಆ ರಿಕಾಣಿಯಲ್ಲಿ 'ರೂ.10,50,000/-' ಅದರ ನಂತರ ಸಾಲಿನಲ್ಲಿ ನಮೂದ ಇರುವ ರೂ.4,75,000/- ಇದ್ದದ್ದನ್ನು ತೆಗೆದು ಹಾಕಿ ಆ ರಿಕಾಣಿಯಲ್ಲಿ 'ರೂ.5,25,000/-' ಹಾಗೂ ಕೊನೆಯಲ್ಲಿ ರೂ.7,05,000/- ಇದ್ದದ್ದನ್ನು ತೆಗೆದು ಹಾಕಿ ಆ ರಿಕಾಣಿಯಲ್ಲಿ 'ರೂ.8,05,000/-' "

3. The facts of the affidavit as follows :

In the affidavit it has been stated that the plaintiffs have filed present suit against the defendants for the relief of partition and separate possession over the suit schedule property. In the cross examination of plaintiff/P.W.1 he admits that the land in R.S.No.18/6, 18/7 and 180/1+2+3A properties are not included in the present suit. Said lands are not included by oversight. The land R.S.No. 180/1+2+3A is standing in the name of def.no.1 and said lands are belongs to joint family properties of the plaintiff and the defendants. Now it is necessary for correcting the same to meet ends of justice. If IA is allowed, no hardship will be caused to other side and if IA is not allowed, then it will be irreparable hardship will be caused to applicants.

4. The defendants have filed objection to I.A. and opposed to allow the application. In view of the reasons assigned in the affidavit are all false. Further in order to drag on the matter, the plaintiff has filed this type of application. Further contended that present application is belated stage and there is no any reasons are assigned in the affidavit that why delay has been caused to file present application. If I.A. is allowed, it will be causes to defendants. Hence, prays to dismiss the application.

5. Heard the arguments of both sides. Perused available materials.

6. On pleadings of both the parties and records, the following points that arisen for my consideration :

P O I N T

1) Whether the applicant/plaintiffs have made out sufficient grounds for entitle the claim as sought in the present I.A.No.XXVI ?

2) What order ?

7. My findings to the aforementioned points are as under :

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the forgoing;

:: REASONS ::

8. **Point No.1** : Wherein the plaintiff has filed present suit against the defendants for the relief of partition and separate possession over the suit schedule properties. Upon service of summons, the defendants No.1 to 6 have appeared through their advocate AND filed w.s. Issue have been framed. Plaintiffs side evidence has been completed. When case is listed for further evidence of D.W.3, At this stage, the plaintiff has come with present application and prays to amend his plaint as prayed above.

9. Admittedly, the plaintiffs have filed present suit for the relief of partition and separate possession over the suit schedule properties. The proposed amendment are only inserting the joint family properties which are joint family properties of the plaintiff and defendant. Therefore, the cause of action, nature of suit will not change. Moreover, the defendants have got every right to file their objection and also got right to cross-examine the party in respect of proposed amendment. Further in the nature of suit for

partition and separate possession, then ought to have been inserted all the family properties in the suit. Further in the cross examination of P.W.1, the defendants themselves admits that so properties are not inserted in the present suit. Further if IA is allowed no hardship will be caused to other side and if IA not allowed, they will be put to great hardship and also the proposed amendment is helpful to the court for effective adjudication of the matter. Under these circumstances, the plaintiff/applicant is entitled relief as sought under I.A.No.XXVI. Hence, point No.1 answered in the **Affirmative**.

10. **Point No.2:** For the reasons assigned above I proceed to pass the following:

:: ORDER ::

**I.A. No.XXVI filed U/O.VI Rule 17
R/w Sec.151 of Civil Procedure Code is
hereby allowed.**

**Accordingly, permitted to the
plaintiff to amend his plaint as prayed
in I.A.No.XXVI.**

No order as to costs.

(Dictated to the Stenographer, transcribed and typed by her, corrected and then pronounced by me in open court on 9th day of October 2025)

Senior Civil Judge, Hukkeri,
Itinerary Court at Sankeshwar.