

**D IN THE COURT OF THE CIVIL JUDGE AND
J.M.F.C., SIRUGUPPA**

Present: Ashok R H
Civil Judge & J.M.F.C.,
Siruguppa.

Dated this the 9th day of June, 2026

O.S.No.311/2024

Plaintiff: Smt.S.Parveen Bee and others
Vs

Defendant: Sri.U.Siddik Sab & others

PARTIES TO I.A.No.XI

Petitioner/Ori.Plaintiffs: Smt.S.Parveen Bee & others

Vs

Respondents/Ori.Defendants: Sri.U.Siddik Sab & others

i.	Provision under which application is filed	Under Order 6 Rule 17 R/w Section 151 CPC
ii.	Relief sought for	Amendment of plaint
iii.	Date of filing of application	13.01.2026
iv.	Number of application	2
v.	Date of filing of objections	03.02.2026 by the defendant No.7
vi.	Date of pronouncement of orders	09.06.2026
vii	Stage of the case	Issuance of summons to other defendants

ORDERS ON IA.No.II

The plaintiff has filed this application Under Order 6 Rule 17 R/w Sec.151 of C.P.C., seeking permission to insert two properties in the schedule to the plaint.

2. In the accompanying affidavit, the plaintiff has stated that at the time of filing of the suit, some properties situated at Hosapete were not included. Now the plaintiff No.2 has obtained the documents. Hence, amendment application is filed. On these grounds, it is prayed to allow the application.

3. The defendant No.7 has filed objections contending that the plaintiffs have already filed OS No.333/2025 before the Hon'ble Prl. Civil Judge., Hosapete seeking the relief of partition in respect of properties situated at Hosapete. The plaintiff cannot be permitted to simultaneously prosecute parallel proceedings and to seek inclusion of the said properties in the present suit. The plaintiffs have not disclosed the pendency of OS No.333/2025. The proposed amendment introduces a new cause of action and change the nature of the suit. There is likelihood

of conflicting judgments. On these grounds, it is prayed to reject the application.

4. Heard the learned counsels for the plaintiff and the defendant. Perused the materials on record.

5. The points that arise for the consideration of this court are as under:

P O I N T S

1. Whether the proposed amendment is necessary to determine the real questions in controversy between the parties?

2. What order?

6. The answers of this court to the above Points are as follows:

Point No.1 : In the Affirmative

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

R E A S O N S

7. **Point No.1:-** The plaintiffs have filed this suit seeking the relief of partition and declaration that the registered gift-deeds are null and void. The plaintiffs have contended that themselves and defendant No.1 to 6 are common tenants in the plaint schedule properties. The plaintiffs have sought for share in the

plaint schedule properties. Now the plaintiffs intend to add two more properties to the schedule of the plaint. The application is resisted by the defendants on the ground that the properties sought to be included are subject matter in OS No.333/2025 which is pending before the Hon'ble court at Hosapete.

8. The plaintiffs have filed this suit seeking the relief of partition with a specific pleadings that themselves and defendant No.1 to 6 are the tenants in common and that the suit properties have devolved upon them. It is alleged that the defendant No.3 has executed registered gift-deeds in favour of defendant No.7 in respect of portion of plaint schedule properties, to defeat the rights of the plaintiffs. The defendant No.7 has resisted the suit contending that he is the absolute owner of the suit properties by virtue of the registered gift-deeds executed by defendant No.3. These being the pleadings, now the plaintiffs intend to add two house properties in the schedule to the plaint contending that the proposed amendment is necessary. Whether or not the plaintiffs are entitled for share in the said properties is a matter of trial. The contention of the defendant No.7 that the said properties are subject matter in another suit also is not a ground to reject the amendment application. It is for the plaintiffs to

add the properties in respect of which they intend to obtained the relief. Grant or rejection of the reliefs will be on merits of the case.

9. It is an established principle that correctness and falsity of amendment cannot be looked at the stage of amendment of application. The merits of the amendment also cannot be looked into. This observation is fortified by the decision of the Hon'ble High court of Karnataka in **2016(1) KCCR 73 Puttamaramma V/s Giriyappa and others.**

10. The proposed amendment appears to be necessary to decide the real questions in controversy. Trial has not yet commenced. If the proposed amendment is allowed, the defendants will be having an opportunity to file the additional written statement and meet all the new pleadings. It is not at all a case that if the amendment were to be allowed, it would amount to withdrawal of any admission or any right accrued to the defendants would be defeated. There is nothing to show that the defendants would be put to prejudice if the proposed amendment were to be allowed. The plaintiff must be allowed to add the additional pleadings which would avoid the multiplicity of proceedings. With these reasons and

observations, this court has answered **point No.1 in the Affirmative.**

11. Point No.2:- In view of answer to Point No.1, this Court proceeds to pass the following;

ORDER

**I.A.No.II filed by the plaintiff under
Order 6 Rule 17 R/w Section 151 of
C.P.C., is hereby allowed.**

(Dictated to the stenographer, transcribed and typed by him, corrected and then pronounced by me in the Open Court on this 9th day of June-2026).

(Ashok R H)
Civil Judge and JMFC,
Siruguppa.

