

**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

Plaintiffs: Smt.S.Parveen Bee and others

Vs

Defendants: Sri.U.Siddik Sab and others

PARTIES TO I.A.No.III

Petitioners/Ori.Defendant No.7: Sri.Iqbal Baig

Vs

Respondents/Ori.Plaintiffs: : Smt.S.Parveen Bee
and others

i.	Provision under which application is filed	Under Order 6 Rule 17 R/w Section 151 CPC
ii.	Relief sought for	Amendment of written statement
iii.	Date of filing of application	03.02.2026
iv.	Number of application	3
v.	Date of filing of objections	23.02.2026
vi.	Date of pronouncement of orders	09.06.2026
vii	Stage of the case	Issuance of summons to other defendants

ORDERS ON IA.NoIII

The defendant No.7 has filed this application Under Order 6 Rule 17 R/w Sec.151 of C.P.C., seeking permission to amend the written statement. The defendant No.7 intends to add the counter claim by way of amendment to the written statement.

2. In the accompanying affidavit, the defendant No.7 has stated that he is filing counter claim seeking declaration of title, permanent injunction and other consequential reliefs in respect of suit properties. The plaintiffs have no right, title or interest over the same. Due to inadvertence, counter claim could not be incorporated by the written statement. The proposed amendment does not change the nature of the suit. Hence, the defendant No.7 now intends to file counter claim. It is thus prayed to allow the application.

3. The plaintiff has filed objections contending that there are no reasons to allow the amendment application. This application is filed to cause delay in the proceedings. The counter claim is vague. The valuation of the counter claim exceeds pecuniary jurisdiction of this court. On these grounds, it is prayed to reject the application.

4. Heard the learned counsels for the plaintiffs and the defendants. 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 Negative

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 in the suit properties contending that themselves and defendant No.1 to 6 are tenants in common and that the defendant No.3 has illegally executed gift-deed in favour of defendant No.7. The defendant No.7 claims his absolute rights over the suit properties based on the registered gift deed. Now the defendant No.7 intends to add counter claim. At the outset, on perusal of the proposed

counter claim, it is seen that for the purpose of jurisdiction of this suit, the counterclaim is valued for Rs.24,44,000/-. The defendant No.7 has sought for the relief of declaration of ownership over item No.1 to 17 properties and for injunction. Therefore, as per the very pleadings of the defendant No.7, the value of the counter-claim properties exceeds the pecuniary jurisdiction of this suit.

8. In Gurubachan Singh Vs Bagh Singh and others AIR 1996 SUPREME COURT 1087 it is held that, by laying a counter claim, pecuniary jurisdiction of the court cannot be divested and power of court to try the suit already entertained cannot be taken away by accepting the counter-claim beyond its pecuniary jurisdiction. In the light of the above law, the counter claim filed by the defendant No.7 which exceeds the pecuniary jurisdiction cannot be entertained. Hence, the amendment application filed by defendant No.7 seeking counter claim is liable to be rejected. With these reasons and observations, this court has answered **point No.1 in the Negative.**

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

ORDER

**I.A.No.III filed by the defendant No. 7
under Order 6 Rule 17 R/w Section 151 of
C.P.C., is hereby rejected.**

(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.