

ORDER ON I.A No.VII

i.	Provision under which the application is filed	:	U/o.VI Rule 17 R/w Sec.151 of CPC.
ii.	Relief sought for	:	For amendment of written statement as per proposed amendment.
iii.	The date on which the application is filed	:	09.11.2025
iv.	Number of the application	:	I.A.No.VII
v.	The date on which the objection is filed by different opponents	:	19.11.2025
vi.	The date on which the order was passed on the said application	:	21.02.2026.

1. Defendants No.1 & 2 have filed I.A.No.VII U/O.VI Rule 17 R/w Sec.151 of CPC seeking leave to amend their written statement as per proposed amendment.

2. In support of above application, defendant No.2 has sworn to an affidavit, wherein he mainly stated that, the plaintiff has not included other joint family properties viz., R.S No.34/2 measuring 04 acres 00 gunta out of 06 acres 09 gunta, which has been sold by one Nagappa Parit in favour of Irappa S/o. Basappa Koujalagi. Further she has not included the house properties bearing VPC.No.25 & 43 both situated at Kadapatti

village of Jamkhandi Taluk. Therefore the suit is bad for non-inclusion of all the joint family properties. Hence he filed this application to incorporate the proposed amendment in the written statement.

3. On the contrary, counsel for plaintiff filed detailed objection to above application. He has mainly contended that, as the land bearing R.S No.34/2 was fallen to the share of propositus Nagappa, who had absolute right, title & interest over said land. Accordingly he sold 04 acres out of 06 acres 39 gunta under registered sale deed in the year 1979. Therefore the plaintiff is not claiming any share in the said property. In so far as VPC.No.25 & 43 are concerned, said properties are ancestral properties of the plaintiff. But due to oversight the plaintiff could not included said properties in the plaint. However she is ready to include said properties in the plaint. With this, he prayed to dismiss the application with costs of Rs.10,000/-.

4. Heard both side. Perused the application, objection, pleadings, documents & all other materials placed on record. Upon going through the same, the points that would arise for consideration are as under:

POINTS

1. Whether defendants No.1 & 2 have made out grounds to allow I.A.No.VII ?

2. What order ?

5. This court answers to above points as under:

Point No.1 : In the affirmative.

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

REASONS

6. Point No.1 : The plaintiff has filed this suit for the relief of partition & separate possession claiming her legitimate share in the suit schedule properties and other equitable relief. As per the materials on record, defendants No.1 & 2 have filed above application after commencement of the trial.

7. On careful perusal of the contents of application, objection thereto, pleadings & all other materials on record, it appears that, in order to decide the matter in controversy effectively & completely, the proposed amendment is required. Anyhow defendants No.1 & 2 have filed this application at initial stage of the suit. If at this initial stage, above application is allowed, no harm or prejudice would be caused to the plaintiff. On the other hand, if not allowed defendants No.1 & 2 would be put to

hardship rather than the plaintiff. In view of aforesaid reasons this court is of opinion that, the proposed amendment is required for proper adjudication the matter in dispute. Accordingly point No.1 is answered in the affirmative.

8. Point No.2: In view of above findings given on point No.1, the court proceeds to pass the following:

ORDER

I.A.No.VII filed U/o.VI Rule 17 of CPC by defendants No.1 & 2 is hereby allowed.

For amendment of written statement and production of amended written statement.

**Prl. Senior Civil Judge & JMFC,
Jamkhandi.**