

ORDER ON I.A No.VIII

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 plaint as per proposed amendment.
iii.	The date on which the application is filed	:	20.11.2025
iv.	Number of the application	:	I.A.No.VIII
v.	The date on which the objection is filed by different opponents	:	10.12.2025
vi.	The date on which the order was passed on the said application	:	21.02.2026.

1. The plaintiff has filed I.A.No.VIII U/O.VI Rule 17 R/w Sec.151 of CPC seeking leave to amend the plaint as per proposed amendment.

2. In support of above application, the plaintiff has sworn to an affidavit, wherein she mainly stated that, she filed this suit for the relief of partition, separate possession and declaration. Due to oversight she could not included her joint family properties shown in the proposed amendment slip. Hence she filed this application to include said properties in the plaint. With this she prayed to allow above application.

3. On the contrary, counsel for defendants No.1 & 2 has filed objection to above application. He has mainly contended 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. With this counsel for defendants No.1 & 2 has prayed for rejection of above application.

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 the plaintiff has made out grounds to allow I.A.No.VIII ?

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, the plaintiff has 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 necessary. The plaintiff has 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 defendants. On the other hand, if not allowed the plaintiff would be put to hardship rather than the defendants. 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.VIII filed U/o.VI Rule 17 of CPC
by the plaintiff is hereby allowed.

For amendment of plaint and
production of amended plaint.

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