



**IN THE COURT OF I ADDL SENIOR CIVIL JUDGE & JMFC,
DEVANAHALLI.**

Present: Sri Lokesha M.G., B.A.L.,LL.B.,

O.S.No.131/2007

Dated this the 15th day of September, 2025.

PLAINTIFFS: Smt. Muniyamma & Another
(By Advocate Sri. K.S.,)

V/s.

DEFENDANTS: Sri. Patalappa & Others
(By Advocates Sri. S.S.,)

ORDER ON IA.No.XV

I.A.No.15 is filed by the plaintiffs under Order 6 Rule 17 of C.P.C to amend the plaint and prayer.

2. It is stated in the accompanying affidavit that by mistake and inadvertently, in para No.5, page No.6 of the plaint, Sale Deed date is mentioned as 01.06.2002 instead of 01.06.2004. It has to be rectified. In support of the same, there is document. So far as prayer is concerned,



Patalappa the uncle of plaintiff had forged the signature of father of plaintiff and sold entire item No.1 of suit property in the year 1982. The father of plaintiff is the one of the witnesses to the Sale Deed. In respect of item No.1 property, it is the absolute property of father of plaintiff. To rectify the same, it is necessary to permit the plaintiff to amend the same. Proposed amendment will not change nature of case and shall not alter the nature of suit. Amendment is required. Otherwise, it will lead to multiplicity of proceedings. In future, defendants and their family members may come up with the defense that properties are different properties and purchasers will also claim independent right over the properties. In such circumstances the proposed amendment is necessary. Accordingly, it is prayed to allow the application.

3. The defendant No.4 has filed objection stating that application is not maintainable. It is filed at belated stage. Application is false. Plaintiffs are precluded from seeking amendment at later stage. It can't be permitted. Applications are already filed and they are allowed. Plaintiffs have filed similar applications seeking



amendment. But present amendment is not sought earlier. It will prejudice the defendants. If amendment introduces a totally different and new case, challenges the fundamental character of the suit, it shall not be allowed. Accordingly, it is prayed to dismiss the application.

4. Heard both and perused the materials on record.

5. The plaintiffs have filed the suit for the relief of Partition. There are 2 suit properties. Suit is of the year 2007. The proposed amendment is with respect to insert the year in the place of 2002. There is Ex.P7 which is the Certified Copy of Sale Deed dated 01.06.2004. It is executed by defendant No.3 in favour of defendant No.4. The recital is stated in para No.5, in page No.6. Hence, the year can be rectified as 2004 instead of 2002 as prayed. But with respect to prayer in respect of item No.1 to declare that plaintiffs are the absolute owners of item No.1 property, it can't be allowed. Because this is a suit of the year 2007. The suit is filed for partition by the plaintiffs seeking half share in respect of schedule properties. Now, plaintiffs are seeking relief to declare that plaintiffs are



absolute owners of schedule item No.1. With respect to this, in the objection, it is clearly stated that if amendment introduces new case and challenges the fundamental character of the suit, it can't be allowed. It is the burden of the plaintiffs to show that such amendment couldn't have been sought earlier. No valid reasons are assigned in the application to state that due diligence was exercised. Apart from this, no valid reasons are assigned to convert the prayer for Partition into Declaration of ownership in respect of item No.1 property. Hence, there are no grounds in the application with respect to prayer. With respect to rectification of date, there are grounds and Ex.P7 to rectify. Accordingly, I pass the following:

ORDER

I.A.No.15 filed by the plaintiffs
U/o 6 Rule 17 read with Section 151
of Civil Procedure of Code is Partly
Allowed.

Plaintiffs are permitted to
rectify the Sale Deed date in para
No.5 as sought.



With respect to prayer in
respect of item No.1 property,
amendment is refused.

For amendment and amended
plaint.

Sd/-
(Lokesha.M.G.)
I Addl Sr.Civil Judge & Jmfc.,
Devanahalli.