



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

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

**O.S.No.118/2018**

**Dated this the 01<sup>st</sup> day of December, 2025.**

**PLAINTIFF:** Sri. Rajanna  
(By Advocate Sri. N.K.G.,)

**V/s.**

**DEFENDANTS:** Sri. Pillamma & Others  
(By Advocate Sri. N.S.G.,)

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<b>i.</b>	Provision under which the application is filed	6 Rule 17
<b>ii.</b>	Relief sought for	Amendment
<b>iii.</b>	The date on which the application is filed	09.09.2025
<b>iv.</b>	Number of the application	12
<b>v.</b>	The date on which the objections are filed by different opponents	27.10.2025
<b>vi.</b>	The date on which the orders were passed on the said application	01.12.2025



**ORDER ON IA.No.XII**

I.A.No.12 is filed by the plaintiff under Order 6 Rule 17 of C.P.C to amend the plaint schedule boundary.

**2.** It is stated that plaintiff has filed the suit for Declaration and other relief. Towards Eastern side, the property bearing old Sy.No.59 and new Sy.No.59/4 is situated. Plaintiff is jointly cultivating the said properties. Plaintiff was growing grapes in the said property and suit property as well. At the time of filing of suit, inadvertently, plaintiff has stated towards Eastern side as Koramangala Village Yelle instead of old Sy.No.59 and new Sy.No.59/4 which is belonging to the plaintiff. After filing of suit, plaintiff removed the grape. While discussing with the advocate in respect of suit, he came to know that towards Eastern side, it is stated as Koramangala Village Yelle instead of old Sy.No.59 and new Sy.No.59/4. Hence, amendment is very material to the facts and circumstances of the case. Amendment doesn't change nature of suit. It doesn't create hardship to the defendant. There is no intentional delay. It is necessary to make



correction in the Eastern boundary. Hence, it is prayed to allow the application.

**3.** Objection is filed stating that application is filed at belated stage and it is not maintainable. Application can't be entertained as it is after thought to overcome admissions made in the present suit and in earlier suit O.S.No.763/2007 in which plaintiff claims to have taken liberty to file the present suit. In Ex.D2 and Ex.P33, schedule is shown. The very same schedule stated in O.S.No.763/2007 is stated in the present suit. Plaintiff is in the habit of filing one application after another and he is not pressing some of them. By suppressing material facts, plaintiff and his family members are filing suits against defendants in collusion with each other. They are trying to overcome admissions. The provision is being misused. The plaintiff has narrated the schedule in the earlier suit as narrated in the present suit. Plaintiff has no right to seek declaration by narrating new facts. It can't be permitted to overcome the admissions. Hence, it is prayed to dismiss the application.



4. Heard both and perused the materials on record.
  
5. The plaintiff has filed suit for the relief of Declaration to declare that he is the absolute owner of suit property and to declare Sale Deeds dated 01.11.1965 are illegal and not binding on the plaintiff and for the relief of Permanent Injunction. Suit property is Sy.No.60/1 total measuring 1 Acre 17 Guntas. Towards Eastern side, it is mentioned as Koramangala Village Yelle. Plaintiff wants to change this boundary as property bearing old Sy.No.59 and new Sy.No.59/4. It is stated that inadvertently, it is stated about the same and it is to be corrected as prayed in the application. But, the application is seriously objected by the defendants stating that it is after thought and application can't be entertained as it is to overcome the admissions made in the present suit and in the earlier suit. There is plaint in O.S.No.763/2007. There is schedule in the said suit. It is same as Sy.No.60/1 measuring 1 Acre 17 Guntas. Towards Eastern side, it is mentioned as Koramangala Village Yelle. It is also suit filed by the plaintiff for Declaration by way of adverse



possession and for the relief of Permanent Injunction. It was dismissed with liberty to institute fresh suit on the same subject matter. In Ex.P33 which is pertaining to the year 1965 also, it is mentioned as Koramangala Village Yelle towards Eastern side. In Ex.D2 also, it is mentioned as Koramangala Village Yelle. Hence, Ex.D2, Ex.P33 and plaint in O.S.No.763/2007 go against the present proposed amendment. There are no materials on the record to show that towards Eastern side, there is property bearing old Sy.No.59 and new Sy.No.59/4. Advocate for plaintiff has also produced the rulings reported in **1. Writ Petition No.24397/2022 in between Smt. C.M.Bhagyalakshamma Vs. Sri. H.K.Mallikarjuna & Others, 2. 2017 Supreme (SC) 1171 in between Mohinder Kumar Mehra Vs. Roop Rani Mehra & Others, 3. 2012 Supreme(SC) 677 in between Abdul Rehman & Another Vs. Ruldu & Others, 4. 2008 Supreme (SC) 73 in between Usha Devi Vs. Rijwan Ahamd & Others and 5. 2004 Supreme (SC) 802 in between Pankaja & Another Vs. Yellappa (D) by LRs. & Others.** It is held that it is necessary to allow amendment for the purpose of determining the real questions in



controversy between the parties even after trial is commenced. It is also held that amendment application can be considered liberally and it can be allowed if it is not prejudicial to the other side. It is also held that if it doesn't change nature of suit, amendment can be allowed. The plaintiff can't take advantage of the principles and observations made in the above said Judgments. Because, in the earlier suit also, same boundary is stated towards East. In Ex.D2 and Ex.P33 also, the same boundary is stated. The said documents are pertaining to the year 1965. Hence, there are no grounds in the application. Objection is sustainable. Plaintiff has not made out the grounds to allow the application. There are contrary materials on the record which go against the proposed amendment. Hence, application filed by plaintiff is liable to be dismissed. Accordingly, I pass the following:

**ORDER**

I.A.No.12 filed by the plaintiff  
U/o. 6 Rule 17 read with Section  
151 of Civil Procedure of Code is



hereby dismissed with cost of  
Rs.500/-.

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