

KABR310002372015



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE & J.M.F.C.,
AT DEVANAHALLI.**

PRESENT

SRI. PRAVEEN NAYAK, LLM.,

Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.

Dated this day of 03rd November, 2025

O.S.No.163/2015

BETWEEN:

Sri. Mohsin Shariff : **Plaintiff**

(Plt. - By H.T.,Advocate)

AND:

Sri. N. Ramesh & others : **Defendants**

(Defts. 1 &2 – By Sri.R.MG, Advocate)

(Deft.3 – By Sri.H.S, Advocate)

(Deft.4 to 6 – Exparte)

(Deft.7 – By Sri.S.R, Advocate)

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i	Provision under which the application is filed	U/o.VI Rule 17 R/w.Sec.151 of C.P.C
ii	Relief sought for	Amendment of plaint
iii	The date on which the application is filed	23-08-2024
iv	Number of the application	I.A.No.XXV



v	Date of filing objection	25-02-2025
vi	Date of Pronouncement of Order	03-11-2025

Sd/-
(PRAVEEN NAYAK)
Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.

ORDERS ON I.A.No.XXV

1. The instant application has been filed by the counsel for plaintiff under U/o.VI Rule 17 R/w.Sec.151 of C.P.C seeking amendment of plaint.
2. In the affidavit accompanying the application, the plaintiff by name Mohsin Shariff has stated that he is producing all the documents of the defendants which were marked in his evidence, but the two documents were left out and were not produced. The two documents were not produced at the time of his evidence as they were miss-placed. Since the said two documents are traced out now while shifting his residence, the same are produced with due diligence. Therefore, the same may be marked in his evidence and the said documents pleadings are not in the plaint. Hence, the plaintiff is filing the present application under Order 6 Rule 17 of



C.P.C. It is very much necessary to amend the plaint in this regard. Hence, prayed to allow the application.

3. The application is opposed by the counsel for defendants No.1 and 2 by stating that earlier the plaintiff has filed I.A.No. 22 seeking amendment of plaint, which came to be rejected by this court. The W.P No. 14511/2022 filed before Hon'ble High Court of Karnataka came to be dismissed by giving liberty to the plaintiff to file necessary application for amendment. Now, the plaintiff has come up with the similar application with identical affidavit and with no grounds to allow the application. Hence, prayed to reject the application with cost.

4. Heard both sides.

5. **The following points would arise for my consideration:**

1. Whether the plaintiff has made out grounds to allow the application ?
2. What order?

6. **My answer to the above points are as follows:**

Point No.1 : **In the Affirmative**

Point No.2 : **As per final Order**

for the following



REASONS

7. Point No.1: The plaintiff has filed the present application seeking amendment of plaint. It is stated in the affidavit that the plaintiff by name Mohsin Shariff has stated that he is producing all the documents of the defendants which were marked in his evidence, but the two documents were left out and were not produced. The two documents were not produced at the time of his evidence as they were miss-placed. Since the said two documents are traced out now while shifting his residence, the same are produced with due diligence. Therefore, the same may be marked in his evidence and the said documents pleadings are not in the plaint. Hence, the plaintiff is filing the present application under Order 6 Rule 17 of C.P.C. It is very much necessary to amend the plaint in this regard. The application is opposed by the other side on the ground that I.A.No.22 with identical affidavit has been rejected and the same was confirmed by Honb'le High Court of Karnataka and plaintiff without assigning proper reasons to allow the application has filed the affidavit with identical pleadings.

8. In view of the rival contentions, on going through the order dated 12.02.2024, this court has rejected I.A.No.22 filed under 6 Rule 17 of C.P.C by observing that the plaintiff simply deposed on



oath that he traced out two importance documents to be produced in the evidence and therefore, filed the present application for amendment of plaint. This court has observed that the plaintiff has not stated the averments by convincing the court about his due diligence in filing the application. The order was challenged before Hon'ble High Court of Karnataka in W.P No.14511/2024 in which the liberty is given to the plaintiff to file an application with proper reasons to file the application and accordingly the writ petition came to be dismissed by upholding the order dated 12.02.2024.

9. On careful perusal of the affidavit the plaintiff has once again stated the same facts regarding the non-production of two documents at the time of evidence. It is stated that those documents are traced out and required to be marked in the evidence. It is stated that the pleadings regarding the said documents are not in the plaint. Therefore, it is necessary to amend the plaint. It is also stated that due to unintentional circumstances, the application could not be filed at initial stage. It shows that the plaintiff has made some improvisation in the affidavit. However, the delay caused by the plaintiff without assigning proper reasons in the earlier application and wasting the valuable time of this court shall be compensated with cost. The



plaintiff intend to amend the plaint in respect of the documents which have been traced recently. The amendment deserves to be allowed, subject to imposing of some cost. **Hence, I answer Point No.1 in the Affirmative.**

10. Point No.2 : In view of the above findings, this court proceed to pass the following:

ORDER

I.A. No.XXV filed by the plaintiff
U/o.VI Rule 17 R/w.Sec.151 of C.P.C is
allowed on cost of Rs.2,000/-.

The plaintiff is permitted to
amend the plaint as prayed in the
application, subject to payment of
cost.

(Dictated to the Stenographer, transcribed and computerized by her, same is corrected and then pronounced by me in the open court on this the 03rd Day of November, 2025).

Sd/-
(PRAVEEN NAYAK)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.