



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

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

O.S.No.251/2016

Dated this the 13th day of February, 2026.

PLAINTIFF: Smt. Lakshamma
(By Advocate Sri. N.R.)

V/s.

DEFENDANT: Sri. K.M.Srinivas
(By Advocate Sri. K.T.N.)

i.	Provision under which the application is filed	Order 6 Rule 17
ii.	Relief sought for	Amendment
iii.	The date on which the application is filed	19.08.2025
iv.	Number of the application	9
v.	The date on which the objections are filed by different opponents	12.09.2025
vi.	The date on which the orders were passed on the said application	13.02.2026



ORDER ON IA.NO.IX

I.A.No.9 is filed by the plaintiff under Order 6 Rule 17 of C.P.C. to amend the plaint.

2. It is stated in the accompanying affidavit that plaintiff has filed the suit for Declaration and Permanent Injunction. Plaintiff has recently traced the title document at her home. She informed the same to her counsel and he suggested that it is required to decide the case on merits. Hence, it is to be added in the plaint. Amendment will not alter nature of suit and cause of action. It is not introducing new case. Hence, it is prayed to allow the application.

3. Objection is filed by the defendant stating that it is filed at belated stage. It is not stated about due diligence. In the absence of such fact, application is not maintainable. The reason is false. Proposed amendment is not required for adjudication of the dispute. Plaintiff has no legal right and she is withdrawing the material admissions made in the pleading. It would amount to



displace the case of the defendant and cause prejudice to the defendant. Plaintiff has not assigned valid reasons. The defense of the defendant will be taken away if the application is allowed. Hence, it is prayed to dismiss the application.

4. Heard the arguments and perused the materials on record.

5. The suit is filed by the plaintiff for the relief of Declaration to declare that she is the absolute owner in possession and enjoyment of suit property and for the relief of Permanent Injunction restraining the defendant from dispossessing the plaintiff half portion in the plaint schedule property. Schedule property is Sy.No.131/16 measuring 2 Acre. Plaintiff claims that she was Gifted the suit property by her father Munishamappa in the year 2006. From the date of Gift Deed, plaintiff has been in possession and enjoyment of suit property. Her name was incorporated in the revenue documents. Defendant has no right over the suit property and he has tried to attempt and trespass and interfere with the suit property by



making false claim. It is also stated about filing of O.S.No.512/2007 for the partition and it was dismissed. In the said suit, present suit property was also included.

6. Present application is filed by the plaintiff stating that the suit property was in unauthorized possession of Munishamappa. He filed application to regularize the suit property. Tahashildar Devanahalli issued endorsement on 29.06.1991. Munishamappa was in possession and enjoyment of suit property from 50 years. His name was mentioned as cultivator. After his death, plaintiff has succeeded the suit property and she is in possession and enjoyment of suit property. In the affidavit, it is stated that she has recently traced the document at her home and hence it is required to decide the case on merits. Along with the application, document is produced. It is acknowledgment dated 29.06.1991. It is pertaining to suit property. It is standing in the name of Munishamappa. But, it is not title document. It is the acknowledgment for having received the application filed by Munishamappa to regularize the said property. The proposed amendment is different from that document. It is stated that the



document is traced recently. The suit came to be filed in the year 2016. No valid reasons are assigned in the application. Apart from this, the proposed amendment is not supported by the valid title document as contended. Hence, objection is sustainable. There are no grounds in the application and it is not supported by the document.

7. Advocate for defendant has produced the ruling reported in **2024 (3) SCC 705 in between Basavaraj Vs. Indira & Others**. It is held that amendment which would change nature of suit can't be allowed. If the due diligence is not stated and made out, amendment can't be allowed. The principle laid in the said Judgment is applicable to the case on hand and it is helpful to the defendant. The plaintiff has also not stated about the due diligence as per the Proviso to Order 6 Rule 17 of C.P.C. Hence, on perusal of entire materials on the record, I am of the opinion that plaintiff has not made out the grounds to allow the application. Accordingly, I pass the following:

ORDER

I.A.No.9 filed by the plaintiff
under order 6 Rule 17 read with



Section 151 of Civil Procedure of
Code is hereby dismissed.

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