



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

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

O.S.No.488/2022

Dated this the 27th day of March, 2026.

PLAINTIFF: Sri. Channappa & Another
(By Advocate Sri. P.V.R.)

V/s.

DEFENDANTS: Smt. Munithayamma & Others
(By Advocates Sri. M.C.)

i.	Provision under which the application is filed	6 Rule 17
ii.	Relief sought for	Amendment
iii.	The date on which the application is filed	17.03.2026
iv.	Number of the application	7
v.	The date on which the objections are filed by different opponents	18.03.2026
vi.	The date on which the orders were passed on the said application	27.03.2026



ORDER ON IA.NO.VII

I.A.No.7 is filed by the defendants Under Order 6 Rule 17 of C.P.C. to amend the written statement.

2. It is stated in the accompanying affidavit that, suit is for Specific Performance of Contract on the basis of Sale Agreement dated 05.08.2019. At the time of filing written statement, due to mistake, some defence could not be taken and it is material. After change of advocate, while preparing for argument, it was advised to take the defence and to amend the written statement. Applicant is not aware of the legal procedure. It is not intentional. It is for bonafide reason, defence could not be taken. Hence, it is just and necessary to allow the application.

3. Objection is filed by the plaintiffs stating that application is not maintainable. It is not supported by cogent reasons. To drag the case, it is filed. It is filed at the stage of arguments. Proposed amendment is not necessary. To cure the defects in the cross examination of DW.1, it is filed. Total sale consideration is described in



the agreement as per the market value. Defendants have taken 5 adjournments for the arguments. Thereafter filed the present application having no grounds. 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 plaintiffs for the relief of Specific Performance of Contract on the basis of sale agreement dated 05.08.2019. The proposed amendment is to state about market price of suit property. It is stated that, adjacent land was sold for higher price during the time line of sale agreement. The proposed amendment is also to state about the fact that, defendants don't possess any other property and suit property is required for their livelihood. With respect to market price, no documents are produced along with the application by the defendants to show the fact that, adjacent land was sold for higher price. It is simply filed. But, condition can be imposed to



produce the said material and relevant document.
Otherwise, the Order will be recalled.

6. It is fact that, there are no valid grounds in the application. Change of advocate is not ground to file the application. It is fact that, as per the Order Sheet, defendants have taken 5 adjournments to argue the Case. At later stage, present application is filed. The application is not supported by the material document. From this, it can be stated that, to drag the Case, application is filed. But, only on that ground, application cannot be dismissed. It is necessary to give opportunity to insert the proposed amendment. Defendants shall co-operate with the proceedings since, plaintiffs advocate has already completed his arguments.

7. The advocate for defendants has filed written argument and the Judgment in Writ Petition. It supports. Amendment application can be considered liberally. Hence, on perusal of entire materials on the record, I am of the opinion that application is liable to be allowed. The



proposed amendment has to be proved by the defendants by producing documents. If amendment is allowed, it is not proof of the contentions. Accordingly, I pass the following:

ORDER

I.A.No.7 filed by the defendants under order 6 Rule 17 read with Section 151 of Civil Procedure of Code is hereby allowed with cost of Rs.500/-.

For amendment and amended written statement.

Defendants shall co-operate with the proceedings since, plaintiffs advocate has already completed his arguments.

Call on: 28.03.2026

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