

KABR310005862007



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

PRESENT

SRI. NATARAJ YADAV .S, M.B.A., LL.B.,

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

Dated this day of 03rd July, 2026

O.S.No.288/2007

BETWEEN:

Sri. Ramaiah Dead by his LRs : **Plaintiffs**

(Plts. - By Sri.B.M.B., Advocate)

AND:

*Sri.Narayanaswamy and
another* : **Defendants**

(Deft.1 - By Sri.K.S, Advocate)

(Deft.2 - By Sri.D.K., Advocate)

**_*_

i	Provision under which the application is filed	under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure
---	--	---



ii	Relief sought for	Amendment of the written statement
iii	The date on which the application is filed	23-01-2026
iv	Number of the application	I.A.No. 26
v	Date of filing objection	24-02-2026
vi	Date of Pronouncement of Order	03-07-2026

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.

ORDER

1. The present application is filed by the defendant under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking amendment of the written statement.

Averments in the Application

2. It is averred that the defendant seeks permission to amend the written statement by incorporating an additional plea that the suit filed by the plaintiff is bad for non-joinder of necessary parties, inasmuch as all the legal heirs of late Chikkakappappa have not been impleaded as parties to the suit. It is further contended that the suit schedule property is jointly owned by all



the legal heirs of late Chikkakappappa and, in their absence, the suit is not maintainable. Hence, the defendant seeks permission to incorporate the said pleadings by way of amendment.

Objections

3. The plaintiff has filed objections contending that the application is not maintainable either on facts or in law. It is contended that the persons sought to be referred to by the defendant are not necessary parties to the present suit. It is further contended that the application has been filed after commencement of the evidence of DW-1 and is intended only to protract the proceedings. Hence, the plaintiff has prayed for dismissal of the application.

Point for Consideration

4. Whether the defendant has made out sufficient grounds to permit amendment of the written statement?

Finding

5. The above point is answered in the Affirmative, for the following:

Reasons

6. It is true that the evidence has commenced and DW-1 has been examined. However, the amendment sought is only to incorporate an additional defence that the suit is bad for non-



joinder of necessary parties on the ground that all the legal heirs of late Chikkakappappa have not been impleaded and that there are other persons having interest in the suit schedule property.

7. The proposed amendment does not introduce a new or inconsistent defence nor does it alter the nature and character of the suit. It merely elaborates the defence already available to the defendant regarding the maintainability of the suit. Whether the suit is in fact bad for non-joinder of necessary parties is a matter to be decided during the final adjudication on the basis of the evidence on record.

8. No irreparable prejudice or hardship would be caused to the plaintiff if the amendment is permitted. On the contrary, allowing the amendment would enable the Court to adjudicate all the controversies between the parties effectively and avoid multiplicity of proceedings.

9. Accordingly, this Court is of the considered opinion that sufficient grounds are made out to allow the application. Consequently, I proceed to pass the following;

ORDER

The application filed by the defendant under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure is hereby allowed.



The defendant is permitted to amend the written statement by incorporating the proposed pleadings.

The amended written statement shall be filed.

The plaintiff is at liberty to file a replication/additional pleadings, if so advised. Put up on 01.08.2026.

(Dictated to the Stenographer on computer, typed by her, revised, corrected and then pronounced by me in the open Court on this the 03rd day of July, 2026.)

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.