

IN THE COURT OF ADDL. CIVIL JUDGE, & JMFC.,
AT DEVANAHALLI.

Dated this the 18th day of June 2026

: **PRESENT:**

SRI. VENKATESHA.N., B.A.LL.B, LL.M.,
 ADDL. CIVIL JUDGE & JMFC.,
 DEVANAHALLI.

O.S. 954/2011

PLAINTIFF/s : Sri. B.A. Subbappa ,

V/s

DEFENDANT/s : M/s KEAAR PROMOTERS & Others,

I.A.No.IV

APPLICANT/s : Sri. B. Ravi, **(Defendant No.3)**
 S/o Sri. Bhyre Gowda,
 Aged about 47years,
 R/at, Mallamachanahalli Village,
 Shidlaghatta Taluk.
 Kolar District.

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

V/s

OPPONENT/s : Sri. B.A. Subbappa,
 S/o Sri. B.P.Aithappa,
 Aged about 55 years,
 R/at.Type "A" 333,
 BEML Nagar Post,
 K.G.F-563115.

(By Sri. R.B.S., Advocate)

i.	<i>Provision under which the application is filed</i>	<i>6 rule 17 r/w 151 of CPC</i>
ii.	<i>Relief sought for</i>	<i>Amendment of Written Statement</i>
iii.	<i>The date on which the application</i>	<i>13-02-2026</i>

	<i>is filed</i>	
<i>iv.</i>	<i>Number of the application</i>	<i>IA.No.IV</i>
<i>v.</i>	<i>The date on which the objections are filed by different opponents</i>	<i>26-03-2026</i>
<i>vi.</i>	<i>The date on which the orders were passed on the said application</i>	<i>18-06-2026</i>

ORDER ON IA.No.IV

This Application is filed by the Defendant No.3, when the Case was posted for Further Cross examination of DW1. The Applicant/Defendant No.3 has filed I.A.No.IV under Order 6 Rule 17 R/w Sec.151 of CPC., seeking permission to amend Written statement. The proposed amendment sought is as follows.

2. Proposed para No.7(a): “It is submitted that, as the alleged B.E.M.L. S.C/S.T. Employees Welfare Association comes under the purview Bagaluru Grama Panchayath, the said panchayath Cancelled the alleged sites concerning survey numbers in respect of the alleged owners in the Form No.9, 11(a), and 11(b) in the resolution passed vide C.R. No.1/2024-2025 dated 07-01-2025 in pursuance of it’s meeting held to the effect. In view of the same, the alleged owners have no right, title, interest in respect of the properties which they are claiming”

3. It is submitted that certain subsequent facts shall be brought to the notice of this Court. So the proposed amendment

is only an adding of facts and it doesn't withdraw any defense. The Proposed Amendment will not change the nature of the suit or the cause of action. The amendment sought by the Defendants as prayed accompanying application required to be allowed and it is very much necessary to consider the real dispute between the Defendants and the Plaintiff. If the Defendant is not permitted to amend the Written Statement, it will lead to multiplicity of proceedings and if the proposed amendment is permitted it will not cause any loss to the Plaintiff. The proposed amendment is very much required to meet the ends of justice.

4. On the other hand plaintiff filed objection to the IA.IV and contended that, the application is not maintainable either in law or on facts. Defendant has filed this application only to harass the Plaintiff and to drag on the proceedings. The facts narrated in the proposed amendment are all false. The proposed amendment will change the nature of defense. The proposed amendment is irrelevant for the adjudication of the issues involved in the present suit. Hence the application is liable to be rejected. The facts stated in the proposed amendment are all false. Hence prays to reject the application.

5. Heard the arguments from both side.

6. The following points arise for my consideration:

1. Whether the Applicant/Defendant NO.3 has made out a grounds to allow the I.A.No.IV ?

2. What order?

7. My answers to the above points are as follows:

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

Point No.2 : As per the final order for the following: -

REASONS

8. Point No.1:- The Applicant/Defendant No.3 has contended that, Katha which was mutated in the name of Plaintiff has been canceled by concerned Gram Panchayath on 07-01-2025. Hence it is clear that defendant No.3 intends to bring the subsequent events to the notice of the Court. The alleged resolution passed on 07-01-2025 which is after filing of written statement. Hence question of due diligence does not arise. The Plaintiff filed the suit for Permanent Injunction. Now the Defendant intends to add certain facts with respect to subsequent events. The Defendant is not claiming any new reliefs. The proposed Amendment will not withdraw the admissions already given. The Defendant No.3 wants to bring some more facts in his written statement through the Amendment.

9. Order 6 Rule 17 of CPC reads fallows; “Amendment of Pleadings - The court may at any stage of the proceedings

allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial."

10. The proposed amendment in the Complaint will not change the nature of the suit. On the other hand it will add further facts. It is contention of the plaintiff that the facts narrated in the proposed amendment are all false. Whether he said pleadings are true or false can be decided after full fledged trial. The burden to prove the said facts will be on the Defendant. It is settled Principle of law that, all the issues shall be decided in one suit. Hence at this stage, if the present amendment application is considered, it will not cause any injustice to other side. The Plaintiff will have an opportunity to prove her contention against the Defendants by adducing the proper evidence. By considering the facts and circumstances of the case the amendment application sought by

the Defendant No.3 is deserves to be allowed. The proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties. The Defendant has filed this application at the stage of further chief examination of DW1. Hence, if application is allowed on payment of cost, it would meet the ends of justice. Under such circumstances, I.A.IV is deserves to be allowed. Hence, I hold point No.1 in **AFFIRMATIVE.**

11. Point No.2 :- For the aforesaid reason and discussion, I proceed to pass the following:-

ORDER

I.A.No.IV filed by the Applicant/Defendant No.3 under Order 6 Rule 17 R/w Sec.151 of CPC is hereby allowed on cost of Rs.200/- payable by the Defendant No.3 to the Plaintiff.

The Applicant/Defendant No.3 is permitted to amend the Written statement as sought in the I.A.No.IV.

(Dictated to the Stenographer on computer and computerized by her, corrected by me and then pronounced in the open court on this the **18th day of June 2026.**)

(VENKATESHA.N)
ADDL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.

(Order pronounced in the open court in separate)

ORDER

I.A.No.IV filed by the Applicant/Defendant No.3 under Order 6 Rule 17 R/w Sec.151 of CPC is hereby allowed on cost of Rs.200/- payable by the Defendant No.3 to the Plaintiff.

**The Applicant/Defendant No.3 is
permitted to amend the Written statement as
sought in the I.A.No.IV.**

**ADDL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.**

**For amendment of Written
Statement and amended written
statement by 16.07.2026.**

**ADDL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.**