

KABR610049002019



IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,
NELAMANGALA.

Dated this the day 2nd day of July, 2026

PRESENT: Sri. Manju.M, B.Sc., L.L.B.,
I Addl. Civil Judge & JMFC.,
Nelamangala.

O.S.No.520/2019

Plaintiff: Smt S.B.Gangalakshamma,
W/o B.K.Kempegowda,
Aged about 52 years,
R/at No.39, Sri Haddinakallu
Residency, Pipeline Road,
Mallasandra, T.Dasarahalli, Bangalore-
560 057.

[By Sri V.H., Advocates]

V/s

Defendants: 1. Rajanna.B S/o late Byranna
Aged about 67 years,
R/at No.7, 2nd Floor, 1st Main,
3rd Cross, Lakshmidevi Nilaya,
Subedar Palya, Yeshwanthpur Post,
Bangaluru-022 .

2. Brinda Mohan W/o late Mohan Kumar,
Aged about 50 years,

R/at No.482, 8th main,
Vijaya Bank Colony,
Bilekahalli Post,
Bannerghatta Road, Bangaluru.

3. Jayaramegowda T.R,
S/o Rangegowda,
Police Department,
R/at No.2, 31st Block, 3rd
A Main Road, Police quarters,
Magadi Road, Vijayanagara,
Bangaluru-560023.
4. Venkatesh S/o Govindappa,
Aged about 40 years,
R/at Arisinakunte,
Basaveshwara Nagara,
Kasaba Hobli,
Bangalore Rural District.
5. N.C Muniyappa,
S/o late Chikka Venkatappa @
Chikkavenkataramanappa,
Aged about 66 years,
R/at No.9, 1st A Main, MCHS,
H.S.R. Layout, Sector-6,
Bangaluru.

[D2 and D3 by Sri H.T.N., Advocate]

[D1, D4, D5 Exparte]

PARTIES IN IA NO.4

Applicants/Plaintiff: Smt S.B.Gangalakshamma

V/s

Opponent/Defendants: Rajanna.B and others.

ORDER ON IA.NO.4

This is an application filed by the plaintiff under Order 6 Rule 17 read with Section 151 of CPC prays to permit to amend the plaint as sought for.

2. This application is supported by an affidavit of the plaintiff. In the said affidavit the Applicant has submitted that the Judgment and decree passed by Hon'ble Senior Civil Judge, Nelamangala in O.S.No.41/2011, O.S.No.352/2012, O.S.No.31/2011, O.S.No.62/2011, O.S.No.27/2011 are not binding on the plaintiff and same are void. Further, it is submitted that the said decrees obtained by the plaintiff in the above suits by collusion and playing fraud. Hence, it is necessary to incorporate the proposed amendment and the proposed amendment is necessary for the adjudication of the plaint. Hence, prays to allow the application.

3. This application is opposed by the defendant No.2 and 3 by filing objection and denied the

allegation of fact made by the plaintiff and contended that the application filed by the plaintiff is not maintainable either in law or on facts and same is liable to be dismissed. Further, it is contended that the plaintiff has filed this application with an intention to drag on the proceedings and the plaintiff has no right, title over the suit schedule property. Further, it is contended that the proposed amendment is not necessary for adjudication of the plaint. Hence, prays to dismiss the application.

4. Heard arguments of counsel for plaintiff and defendant No.2 and 3 have not addressed their arguments.

5. In view of the rival contentions raised by the parties, the points that arise for my consideration are as follows:

- 1) Whether the application deserves to be allowed or not?
- 2) What Order?

6. Now, my answers to the above points are as follows:

Point No:1:- In the Negative

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

REASONS

7. **Point No:1:** I am of the opinion that, I need not repeat the entire contention of the parties herealso, since, I have already narrated the same at the inception of this order.

8. Keeping in view, the rival contentions raised by the parties again I have perused the present application under Order 6 Rule 17 of CPC filed by the Plaintiff. It is relevant to note that through this I.A, the plaintiff is seeking permission to amend the plaint to incorporate the facts that the Judgment and decree passed by Hon'ble Senior Civil Judge, Nelamangala in O.S.No.41/2011, O.S.No.352/2012, O.S.No.31/2011, O.S.No.62/2011, O.S.No.27/2011 are not binding on the plaintiff and same are void and also other facts.

Further, prima facie the application filed by the plaintiff is not maintainable and liable to be dismissed. Further, the present suit is filed by the plaintiff for the relief of permanent injunction and the nature of proposed amendment discloses that it is against the law and same cannot be permitted. The application filed by the plaintiff is devoid of merits and not maintainable. Further, the plaintiff has not made out a proper and relevant grounds for allowing this application, Hence, this court is proceed to answer **point No.1 in the Negative.**

9. **Point No.2:** In view of my findings to point No.1, I proceed to pass the following:

ORDER

I.A.No.4 filed by the applicant/
plaintiff under Order 6 Rule 17 R/w
section 151 of CPC is dismissed on
cost of Rs.500/-.

(Dictated to the Stenographer directly on computer, typed by him, corrected and signed by me and then pronounced in the open Court, on this 2nd day of July, 2026)

Sd/-
I Addl. Civil Judge and JMFC.,
Nelamangala.