

KABR610006172009



**IN THE COURT OF PRL. CIVIL JUDGE & J.M.F.C,
NELAMANGALA**

DATED THIS THE 08th DAY OF OCTOBER -2025

**SMT. POOJA SHETTI, B.A., LL.B (Hons)
Prl. Civil Judge & J.M.F.C.,
Nelamangala.**

O.S.No.52/2009

**Plaintiff :: Sri. Bylahanumaiah & 2 others
S/o late Sanjeevaiah,
Aged about 53 years,**

-VS-

**Defendants :: 1. Sri. Shivalingappa & 43 others,
S/o Late Nedumudiyappa,
Aged about 45 years,**

I.A. NO. 58

APPLICANT	:	Sri. Bylahanumaiah & 2 others
-V/S-		
OPPONENTS	:	Sri. Shivalingappa & 43 others,

ORDER ON IA NO.58

This is an application filed by the plaintiff under Order VI Rule 17 R/W/Sec.151 of CPC with prayer to permit the plaintiff to amend the prayer of plaint.

<u>Proposed Amendment:-</u>	
1.	Already amendment application is pending further filed additional amendment prior along with the application.
2.	Previously amendment application filed under Serial No. 26, all separately at Serial No. 27.
3.	Registered sale deed No. 12950/1997-98 dated 25.06.1998, Sub-Register Rajaji Nagar, Peenya, Bengaluru in the name of Narasimhamurthy (defendant).
4	Serial No. 28 K.S. Srinivas, sale deed dated 22.05.1995, pages 125, 131, sub-registrar Bengaluru North Taluk has to be set aside as null and void, in the interest of justice and equity.

2. It is the submission of the applicant that plaintiff has filed present suit seeking declaration and other reliefs. However, at the time of filing of above suit and after amendments, due to oversight plaintiffs were unable to sort for additional prayer regarding sale deed and GPAs which were created by the defendants which plaintiff wants to seek for setting aside them as null and void. Further, according to plaintiffs, very recently they came to know about the aforesaid sale deeds. Hence the application is bonafide one and if the application is allowed no prejudice will be caused to the defendants. Hence prays to the application.

3. On the other hand, the defendant No. 26 to 31 filed objection to the present application and contended that plaintiff has very recently filed another application for amendment of prayer and after filing of objection by the defendant, plaintiff has filed present application only with intention to drag on the matter and the present application has been filed without any supportive document.

4. Further, according to defendant No. 26 to 31, the plaintiff has not explained in the present application as to whether the proposed amendment will change the nature of suit or not and the plaintiffs have not approached the court

with clean hands. Further, according to defendant No. 26 to 31 , the present suit has been filed in the year 2009 itself and after the service of summons the defendants have appeared through their counsel and they have filed written statement. In spite of that present application has been filed at very belated stage after the lapse of limitation.

5. Further, according to defendants No. 26 to 31 , similar applications filed by the plaintiff under IA No. 52 and IA No. 38 have been rejected by this Court on 21.09.2022 and 02.03.2021 respectively. In spite of that, the plaintiff has filed very vague application that too after the lapse of 16 years. Hence, the application is barred by limitation and the proposed amendment will change the nature of suit. Hence, prays to reject the application.

6. Heard counsel for plaintiff and defendant. Perused materials available on record.

7. The following points arise for my consideration:

POINTS

- 1. Whether the plaintiff have made out grounds to allow the application filed by**

**them under order VI rule 17 R.w Sec. 151
of Civil Procedure Code ?**

2. What order ?

8. My answer to the above points are;

Point No.1 : In the Negative.

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

REASONS

9. **Point No.1** : In the present application, it is the submission of the applicant that, in spite of due diligence, they were unable to carry on proposed amendment earlier as only recently they came to know about sale deeds and GPAs created by the defendants hence, proposed amendment is very much necessary for proper adjudication of matter in dispute.

10. However, on the other hand, the defendants filed objection and contended that though the defendants have filed written statement very long back, the plaintiff has filed present application after the lapse of 16 years at very belated stage and that too present application has been filed without any supportive documents.

11. In the light of above application averments and objection, on perusal of the application filed by the plaintiff,

as rightly contended by the counsel for the defendant, present application has been filed without any supportive documents. Further, nowhere in the application the counsel for plaintiff has stated as to when the plaintiffs came to know about the registered sale deed dated 25.06.1998 and 22.05.1995.

12. Further, nowhere in the application it has been mentioned as to who has executed those sale deeds in favour of whom and with respect to what property. Further, as rightly contended by counsel for defendant, those sale deeds are of the year 1998 and 1995 and present suit has been filed by the plaintiff in the year 2009 and after the lapse of 16 years he has come up with present vague application without mentioning date of knowledge of those sale deeds and he has also not described as to who are parties to the alleged sale deed.

13. Hence the applicants have failed to show that in spite of due diligence they were unable to carry on proposed amendment on time. Hence the application needs to be rejected. Hence I answered point No.1 in the Negative.

14. **Point No.2** : For the reasons stated in point No.1, I proceeds to pass the following;

ORDER

The application filed by LR's heirs
of plaintiff under Order VI Rule 17
R/W/Sec. 151 of CPC is hereby rejected.

(The order dictated to the Stenographer directly on computer, transcribed and typed by her and corrected, signed
and pronounced by me in the open court on this 8th day of October 2025)

Prl. Civil Judge and JMFC
Nelamangala.