

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. 57

APPLICANT	:	Sri. Bylahanumaiah & 2 others
-VS-		
OPPONENTS	:	Sri. Shivalingappa & 43 others,

ORDER ON IA NO.57

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.	AMENDMENT SOUGHT FOR: 1. To insert the word vide Registered No.522/1928 dated 30.08.28 registered at Nelamangala" after the Word "Mortgage Deed" at Prayer No.(a) at line No.4 2. Insert the word "Registered at Nelamangala Sub-Registrar, at Nelamangala" after the word "23.10.1933 at Prayer No.(a) at Line No.7 3. To insert the following prayers after Prayer (a) as (a1) The GPA dated 18.01.1995 numbered as 2629/95 in the name of G.B. Gurupadegowda has to be set aside as null and void (a2) The Registered sale Deed dated 14.12.1995-96 numbered as 8031/95-96 in the name of M.V. Krishnareddy and Ramesh Babu has to be set aside as null and void a3) The Registered sale Deed dated 19.11.1996 numbered as 1763/96-97 in the name of N. Jayaramaiah has to be set aside as null and void

a4) The Registered sale Deed dated 15.03.2005 numbered as Reg. No. BLN-1-57203/04-05 in the name of A.R. Ramaswamy has to be set aside as null and void

a5) The Registered sale Deed dated 29.03.2005 numbered as, Book No.I, BLN-1-61219/04-05 in the name of Leelavathi has to be set aside as null and void

a6) The Registered sale Deed dated 17.07.1996 numbered as 1763/96-97 in the name of G.R. Venkataswamy has to be set aside as null and void

a7) The Registered sale Deed dated 27.04.2006 numbered as BLN-1-06765/06-07 in the name of K.R. Narasimharaju has to be set aside as null and void

a8) The Registered sale Deed dated 29.03.2006 numbered as BLN-1-05762/06-07 in the name of Smt. Prema K.R. Narayanaswamy has to be set aside as null and void

a9) The Registered sale Deed dated 26.08.2004 numbered as BLN-1-32215/06-07 in the name of B.M. Gowramma has to be set aside as null and void

a10) The Registered sale Deed dated 23.08.2006 numbered as BLN-1-32205/06-07 in the name of T. Parvathi has to be set aside as null and void

	all) The Registered sale Deed dated 12.09.2006 numbered as BLN-1-37608/06-07 in the name of Tangamani to be set aside as null and void a12) The Registered sale Deed dated 16.03.2022 numbered as MDL-1-08893/22-23 in the name of Smt. Susheelamma has to be set aside as null and void a13) The Registered sale Deed dated 13.01.2023 numbered as MDL-1-7082/22-23, CD.No.1292/23 Stored in CD.No. MDD1246 dated 13.01.2023 in the name of Chandru S/o Thimmaiah has to be set aside as null and void a14) The Registered sale Deed dated 05.03.1992 numbered as 7764/91-92 in the name of Mutturaju has to be set aside as null and void a15) The Registered sale Deed dated 22.05.1995 numbered as 1757/96 in the name of Rangegowda @Devaraju has to be set aside as null and void a16) The Registered sale Deed dated 07.06.1995 numbered as 2450/95-96 in the name of C. Manikanta has to be set aside as null and void a17) The Registered sale Deed dated 22.01.2006 numbered as BLN-1-2043-2005-06 in the name of Rangappa has to be set aside as null and void
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a18) The Registered GPA dated 16.03.1992 numbered as 2114/94-95 in the name of Nataraju has to be set aside as null and void

a19) The Registered sale Deed dated 22.03.2006 numbered as 38646 in the name of Smt. Shameena Begum has to be set aside as null and void

a20) The Registered sale Deed dated 20.01.1995 numbered as 10062/94-95 in the name of S.C. Shekar has to be set aside as null and void

a21) The Registered sale Deed dated 12.04.1995 numbered as 1302/95-96 in the name of Ramesh Verma has to be set aside as null and void

a22) The Registered sale Deed dated 28.03.2006 numbered as BLN-A-38671-2005-06 registered before the Sub-Registrar in the name of Spsi Sabi S/o Naseem has to be set aside as null and void

of a23) The Registered sale Deed dated 18.08.1995 numbered as 1480/95-96 in the Sunitharao has to be set aside as null and void name

a24) The Registered sale Deed dated 30.03.1995 numbered as 202/94-95 in the name of K.N. HARISH Kumar has to be set aside as null and void

	a25) The Registered sale Deed dated 27.04.2006 numbered as BLN-1-05752/06-07 in the name of Smt. T. Prema has to be set aside as null and void a26) The Registered sale Deed dated 22.03.1995 numbered as 12737/94-95 in the name of Raghavendra has to be set aside as null and void
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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 in the earlier amendment applications, 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 deeds and G.P.A's which where alleges to have executed in the year 1928, 1933, 1995, 1996, 2005, 2006 etc.,

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 those sale deeds and G.P.A. have been executed. Further, as rightly contended by counsel for defendant, those sale deeds and G.P.A's are of the year 1928, 1933, 1995, 1996, 2005, 2006 etc., 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 shows that inspite of due diligence they were unable to carry on proposed amendment before commencement of trail. 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 the plaintiffs
under Order VI Rule 17 R/W/Sec. 151
of C.P.C., 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.