

09-06-2026

ORDER ON I.A.No. IX

The plaintiff has filed Interlocutory Application No. 9 under Order VI Rule 17 of the Code of Civil Procedure, seeking to amend the plaint.

2. In the accompanying affidavit, it is stated that the suit is one for permanent injunction and consequential reliefs. The proposed amendment will not change the nature or character of the suit and therefore pray that the application be allowed.

3. Defendant No.1 and 3 have filed separate detailed objections denying the averments made in the accompanying affidavit and specifically contended that the existing averments of plaint are sufficient to adjudicate the present matter and in order to delay the suit the present application is filed. On these grounds, Defendant No.1 and 3 pray for dismissal of the application.

4. I have heard arguments of plaintiff side. Perused and material on record.

5. In the year 2022, the plaintiffs instituted the present suit seeking the relief of permanent injunction in respect of the suit schedule property. It is the case of the plaintiffs that they are the absolute owners of the suit schedule property. According to them, the defendants, without having any right, title, or interest over the suit property, has encroached upon the western side of the suit property and have put up an illegal construction over a portion of the property during pendency of suit.

6. The defendants have filed a detailed written statement denying the averments made in the plaint.

7. Upon careful perusal of the records, it is evident that issues have not been framed. However, it is a well-settled principle of law that amendment of pleadings may be allowed even before the framing of issues, provided that such amendment does not alter the fundamental nature and character of the suit and does not cause serious prejudice to the opposite party, which cannot be compensated in terms of costs.

8. The proposed amendment seeks to bring on record certain additional facts clarifying that the measurement of the suit property.

9. The amendment is thus intended to clarify the existing pleadings arising out of the same cause of action. The proposed amendment appears to be connected with the subject matter of the suit and the real controversy between the parties.

10. At this stage, the proposed amendment appears to be necessary for determining the real controversy between the parties and for effectively adjudicating their respective rights in respect of the suit schedule property. Allowing the amendment would not cause undue prejudice or irreparable injury to the defendants. The defendants will have sufficient opportunity to file an additional written statement and to adduce further evidence, if so advised. Such safeguards adequately protect the defendants right to contest the claim and ensure adherence to the principles of natural justice.

11. In the facts and circumstances of the case, this Court is of the considered opinion that the proposed amendment is bona fide and

essential for the just, complete, and effective adjudication of the dispute between the parties. Allowing the amendment would facilitate the determination of the real issues in controversy and would also prevent multiplicity of proceedings between the parties. Accordingly, the application filed by the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure deserves to be allowed.

Accordingly, this Court passes the following order:

ORDER

I.A. No.IX filed by the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure, are hereby allowed.

The Court directs the plaintiffs to carry out the necessary amendment to the plaint, as specified in his application.

For amendment and amended plaint by 29-06-2026.

09-06-2026
Vishwanath Savadi
Civil Judge & JMFC,
Krishnarjapura,
Bangalore Rural District.