

**IN THE COURT OF SENIOR CIVIL JUDGE & J.M.F.C.**  
**AT CHALLAKERE**

**Present :** SHAMEER P.NANDYAL

B.A., LL.B. (Hons.), LL.M.

Senior Civil Judge & JMFC,  
Challakere

**O.S.No.4/2022**

**Dated this 16<sup>th</sup> day of October-2025**

Sarojamma  
***Plaintiff***

.....

***V/s***

Manjamma & Ors.

.... ***Defendants***

**PARTIES TO I.A.No.V**

**Between**

**Rank of Parties**

Sarojamma, D/o Late Veeranna,  
[W/o Palaiah] Aged about 58 years,  
Occ: Coolie Worker,  
R/o Katappanahatti village,  
Near Bangerakaple, Challakere  
***[Rep by Sri.RV Adv.]***

... ***Applicant/Plaintiff***

***And***

1. Manjamma  
W/o Late. K.V. Veerabhadrappe,  
Aged about 58 years,  
Occ: Agriculturist,
2. Ashwini W/o Raghu,  
D/o late. K.V. Veerabhadrappe,  
Aged about 25 years,  
Occ: Householdworker,

3. Nandini D/o K.V. Veerabhadrappa,  
W/o Anjina Murthy,  
Aged about 30 years,  
Occ: Householdworker,  
  
Defendants Nos.1 to 3 are  
RR/o Kittur Rani Chennamma  
Road, Old Town, Challakere
4. Eramma D/o Late Veeranna,  
[W/o Palaiah], Aged about 66 years,  
Occ: Coolie,R/o Katappanahatti village,  
Challakere
5. Lakshamma D/o Late Veeranna,  
[W/o Eranna], Aged about 62 years,  
Occ: Agriculturist,  
R/o Vadnahalli village,  
Hireguntanur Hobli,  
Chitradurga Taluk
6. Savithramma D/o late. Veeranna,  
[W/o Basavaraja],  
Aged about 54 years,  
Occ: Coolie Worker,  
R/o Khundapura village,  
N. Mahadevapura Post,  
Nayakanahatti Hobli,  
Challakere Taluk
7. B.C. Venkateshmurthy,  
S/o D. Chidanandappa,  
Aged about 50 years,  
Occ: Layout Developers,  
Near VSSN Bank Building,  
Bengaluru Road, Challakere
8. T. Anithamma, W/o Radhakrishna,  
Aged about 41 years, Occ: Agriculturist,  
R/o Pillahalli village,

Parashurampura Hobli,  
Challakere Taluk

9. Thippamma  
W/o Late T.N. Ninganna,  
Aged about 81 years,  
Occ: Agriculturist,  
R/o Near Srirama Mandira,  
Beside Anjaneyaswamy temple,  
Teru Beedi, Challakere

10. Krishna Shetty,  
S/o Venkataramappa,  
Aged about 85 years,

11. B.K. Govindaraju,  
S/o Krishna Shetty,  
Aged about 58 years,

Defendants Nos.10 and 11 are  
RR/o Belli Batlu village,  
Nidagallu Hobli, Pavagada Taluk,  
Tumkur District

12. G.S. Srinivasa Gupta  
S/o Late. G.K. Sathyanaraya Shetty,  
Aged about 61 years,

13. Smt. Yashodamma,  
W/o G.S. Srinivas Gupta,  
Aged about 59 years,

14. S. Radhakrishna,  
S/o G.S. Srinivas Gupta,  
Aged about 38 years,

Defendants Nos.12 to 14 are  
RR/o Ajjaiahnagudi Road, Challakere

15. Kutub Aralikatte

S/o Ghouse Sab  
Aged about 58 years,  
Occ: Agriculturist R/o 3<sup>rd</sup> Block,  
Behind Maramma Temple,  
Holalkere Road, Chitradurga ... **Opponents /Defendants**  
**[D1 to 3 Rep. by Sri. KMN. Adv.**  
**D4 to 6 Rep. By Sri. MSR Adv.**  
**D8 & 9 Rep. By Sri. KVHR Adv.**  
**D10 to 12 are placed Ex-parte,**  
**D15 Rep. By Sri. SOS Adv.]**

**PARTICULARS**

1	Provision under which the application is filed	Order VI Rule 17 R/w 151 of CPC
2	Relief Sought for	For Amendment of plaint
3	The date on which the application is filed	19.09.2024
4	Number of the application	I.A.No.V
5	The date on which the objections are filed by opponent	06.11.2024
6	The date on which the order was passed on the said application	15.10.2025

**ORDERS ON I.A.No.V**

The present application is filed under Order 6 Rule 17 R/w Section 151 of C.P.C by the plaintiff seeking amendment of the plaint i.e. for insertion proposed property as suit schedule item No.3 property.

2. In the affidavit filed in support of the application, the plaintiff has sworn to the fact that the application schedule property was purchased by the defendants Nos.2 and 3 out of the income derived from the suit schedule property. On these ground and such others it is prayed for allowing the

application.

3. *Per contra* the defendants Nos.8 and 9 have filed their objections to the application contending that the application schedule property was transferred in the year 1985 and the said transfer is hit by section 6 of Hindu Succession Act. Further it is contended that the application is not maintainable after commencement of trial. On these grounds and such others, it is prayed for dismissal of the application.

4. Heard arguments. Perused records.

5. The points that arise for the considerations of the court are:

**POINTS**

*i. Whether the plaintiff has made out sufficient grounds to allow the application?*

*ii. What order?*

6. On consideration of the materials placed on record by both parties this court answers the aforesaid points as hereunder:

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

**Point No.2** : As per final order

for the following

**REASONS**

7. **Point No.1:** The suit of the plaintiffs is one for the relief of partition and separate possession. When the matter is posted for evidence on behalf of the defendants, the plaintiff has come up with the present application contending that the property

mentioned in the application is purchased out of the income derived from the suit schedule properties. Initially no such contention was raised by the plaintiff. Only now when the matter is posted for the evidence on behalf of the defendants, the plaintiff has come up with the present application. The plaintiff claims that the property proposed to be included is also a joint family property and she has share in the same. It is for the plaintiff to prove that the proposed property to be included is also a joint family property and that the same is available for partition. At this juncture, if the said property bearing Sy.No.394 measuring 06a=03g situated at Challakere is included in the plaint, no prejudice whatsoever will be caused to the defendants. The proposed amendment does not change the nature of the suit nor does it changes cause of action to the suit. The proposed amendment is necessary to do complete adjudication of the dispute between the parties. No doubt, the plaintiff ought to have brought in the proposed amendment at an earlier stage itself. However the inconvenience caused to the defendants can be compensated by imposing necessary costs. Thus for these reasons, this court is of the considered opinion that the application filed by the plaintiff deserves to be allowed. Accordingly this court answers point No.1 in the ***affirmative***.

8. **Point No.2:** In the light of foregoing discussions, this court proceeds to pass the following:

**ORDER**

***I.A.No.V filed by the plaintiff***

**under Order 6 Rule 17 R/W Sec.151 of CPC is hereby allowed subject to payment of costs of Rs.3000/-.**

**The plaintiff is permitted to carry out amendment of the plaint, as sought in the application.**

**The plaintiff shall carry out amendment of the plaint within 14 days from today and shall filed amendment plaint by next date of hearing.**

*(Dictated to the stenographer directly on computer, printout taken, corrected and then pronounced in the open court on this the 16<sup>th</sup> day of October-2025).*

**[SHAMEER P.NANDYAL]  
Senior Civil Judge & JMFC  
Challakere**