

KACM200001252015



**IN THE COURT OF SENIOR CIVIL JUDGE,**  
**AT: KADUR**

**Present:-** Sri. IRFAN.  
*B.A., LL.B.,*  
Senior Civil Judge & JMFC,  
Kadur, Chikkamagaluru District.

Dated: this the 29<sup>th</sup> day of November - 2025

**O.S.No.5/2015**

Plaintiffs:- Sri. Hanumanthappa & another.  
(By: Sri. M.O.J., Advocate)

V/s

Defendants:- Sri. Obalappa and others.

(Defendants No.1 by: Sri. H.N.S. & Sri. S.N.A.,  
Advocates).

(Defendants No.2 and 6 by: Sri. B.R., Advocate).

(Defendant No.3 by: Sri. M.S.L., Advocate).

(Defendants No.4 & 5 - Exparte).

(Defendant No.7 by: Sri. K.R.S., Advocate).

(Defendant No.8 - Dead).



(Defendant No.9 by: Sri. K.A., Advocate).

(Defendant No.10 by: Sri. T.G., Advocate).

(Defendants No.11 and 12 by: Sri. H.N.S., Advocate).

**RANK OF THE PARTIES ON I.A.NO.29**

Applicants/  
Defendants : Sri. Hanumanthappa & others.

V/s

Opponents /  
Defendants : Sri. Obalappa & others.

|            |   |  |
|------------|---|--|
| <i>i</i>   | <i>Provision under which the application is filed</i>                   | <i>U/O VI Rule 17<br/>R/w Sec.151 of CPC</i> |
| <i>ii</i>  | <i>Relief sought for</i>  | <i>Amend the plaint.</i>                     |
| <i>iii</i> | <i>The date on which the application is filed</i>                       | <i>17.10.2025.</i>                           |
| <i>iv</i>  | <i>Number of the application</i>  | <i>29</i>                                    |
| <i>v</i>   | <i>The date on which the objections are filed by different opponent</i> | <i>Not filed.</i>                            |
| <i>vi</i>  | <i>The date on which the orders were passed on the said application</i> | <i>29.11.2025.</i>                           |

*When the case is posted for steps against deceased defendant No.8, the plaintiffs have filed this application.*



### **ORDERS ON I.A.29**

This interim application has been filed by the plaintiffs, U/O VI Rule 17 R/w Sec.151 of CPC and prays to amend the plaint by contending that due to typographical mistakes and oversight, the name of Govindappa S/o Sattappa has been entered as defendant No.6 and 8 in the cause title of the plaint. The 6<sup>th</sup> defendant – Govindappa died and his legal heirs have been brought on record as defendant No.6(a) to 6(c) in the said suit. Hence, it is just and necessary to amend the plaint. The proposed amendment is very much necessary and same will not change the nature of suit. Hence, prays to allow the application.

2. Counsel for defendant No.9, defendant No.2 and defendants No.6(a) to (c) submits no objections to allow the IA. Remaining defendants have not filed any objections to the IA.

3. Heard learned counsel for the plaintiffs.

4. The following points that arise for consideration are;



1. Whether the proposed amendment is necessary for determining the real dispute in controversy between the parties?
2. What order?
5. Answers to the above points are as under;
  - Point No.1 : In the Affirmative;
  - Point No.2 : As per final order for the following;

### **REASONS**

6. **Point No.1** :- The present suit is one for the relief of partition and separate possession with respect to the suit schedule properties. It is a matter of record that under IA No.27, the plaintiffs have sought for impleadment of one G. Sridhara S/o Govindappa, Keshavamurthy T S/o Tukkojirao, Ravi N S/o Narasimhappa and Rakesha H.L. S/o Lokeshappa. The said IA was allowed by permitting the plaintiffs to implead the aforesaid parties as defendants No.8 to 11. After amendment, the plaintiffs have filed the amended



plaint before this court on 04.09.2025, wherein, they have arrayed the aforesaid parties as defendants No.9 to 12 and the 6<sup>th</sup> defendant Govindappa S/o Late Sattappa has been again arrayed as 8<sup>th</sup> defendant. It is apparent that the 6<sup>th</sup> defendant is no more and his legal heirs have been brought on record as defendant No.6(a) to 6(c). Defendant No.6 and defendant No.8 being one and the same person, it is apparent that the said entries are made due to typographical error. Therefore, the present application deserves to be allowed in the interest of justice and equity. The delay may be compensated in terms of money. Accordingly, the point under consideration is answered in the **affirmative**.

7. Point No.2: In view of the above findings on point No.1, the following;

**ORDER**

I.A.No.29 filed by the plaintiffs, under Order VI Rule 17 R/w Sec.151 of CPC is allowed with costs of Rs.500/-.



Plaintiffs are permitted to  
carry out the necessary  
amendment to the plaint.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in  
open Court on this the 29<sup>th</sup> day of November, 2025)

Sd/-

(IRFAN)  
Senior Civil Judge,  
Kadur.