

KACM200004952023



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 10th day of June – 2026.

O.S. No. 148/2023

Plaintiffs : Sri. Nagaraja N.H. & others.

(By: Sri. H.T., Advocate)

-V/s-

Defendants: Sri. N.T. Gopalappa & another.

(Defendant No.1 by: Smt. M.K.M., Advocate)

(Defendant No.2 by: AGP)

RANK OF THE PARTIES ON I.A.NO.III

Applicants/
plaintiffs :

Sri. Nagaraja N.H. & others.

V/s

Opponents/
Defendants:

Sri. N.T. Gopalappa & another.



i	<i>Provision under which the application is filed</i>	<i>U/O VI Rule 17 R/w Sec.151 of CPC</i>
ii	<i>Relief sought for</i>	<i>Amend the plaint.</i>
iii	<i>The date on which the application is filed</i>	<i>16.01.2024.</i>
iv	<i>Number of the application</i>	<i>III</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>04.11.2024 by the 1st defendant.</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>10.06.2026.</i>

When the case is posted for further chief of PW-1, the plaintiffs have filed this application.

ORDERS ON I.A.III

This interim application has been filed by the plaintiff, U/O VI Rule 17 R/w Sec.151 of CPC seeking for the insertion of additional pleadings to their plaint.

2. This application is accompanied by an affidavit filed by the plaintiff for himself and also on behalf of other plaintiffs. The gist of the application averment is that they have filed the suit against the defendants for the relief of declaration to declare that they are the absolute owners and in lawful possession and enjoyment over the suit schedule property and entitled for the compensation from the 2nd defendant for having acquired the property for Bhadra Upper Project. At the time of filing the suit, the landed property



bearing Sy.No.23/1A measuring 1 acre 06 guntas consisting of two blocks i.e., 0-18 guntas of one block and 0-28 guntas of another block. After filing the above suit, the ADLR has made pakka phode **durasth** on Sy.No.23/1A and split the measurement and survey numbers into two blocks as Sy.No.23/11, measuring 0-19 guntas and Sy.No.23/8, measuring 0-27 guntas vide MR No. T-5/2023-24. He came to know about the pakka phode durasth and split of the survey number and measurement of the Sy.No.23/1A of Aladahalli village recently. The proposed amendment is very necessary and same will not change the nature of the suit. If the application is not allowed, then they will be put to untold hardship and humiliation. Accordingly, sought to allow the application.

3. The 1st defendant resisted the said application by contending that the plaintiffs have sworn to false affidavit in order to drag on the proceedings of the case and to harass the defendants. The application is not comes within the parameter of Order VI Rule 17 of CPC. As per law, amendment application not permitted after evidence. After commencement of evidence, if the amendment application is allowed, it will collapsed entire evidence. In this case, already the



1st plaintiff filed his chief-examination affidavit and got marked six documents. The RTC and MR extracts produced by the plaintiff marked as Ex.P-2 and 3 shows that the Sy.No.23/1A. Now, the plaintiffs came before the court with an IA for amendment not only the survey number, they are also seek amendment of measurement of suit property. In the absence of valid title deeds, such amendments are not permitted under law. The plaintiffs are colluding with ADLR, have made pakka phode dhurasth in Sy.No.23/1A in the absence of issuing notice to the defendants. After came to know about the said pakka phode, the 1st **defendant** has preferred an appeal before the DDLR, Chikkamagaluru in RA No.26/2024-25 by challenging the order passed by the ADLR. The said RA is allowed on 26.09.2024 by setting aside the pakka phode order passed by the ADLR and hence, the question to amend the plaint does not arise at all. The plaintiffs have filed the application for amendment subsequent to the commencement of trial and hence, the applications are not sustainable in law. If the application is allowed, no injuries or inconvenience is cause to the plaintiffs. Accordingly, sought to dismiss the same.

4. Heard both side. Perused the case records.



5. 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?

6. 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

7. **Point No.1 :-** This suit is filed seeking for the relief of declaration of plaintiffs title over the suit schedule property and for compensation from the 2nd defendant. The instant application has been filed seeking for amendment of plaint schedule with regard to the change in survey numbers and variation in measurement on the basis of pakka phode durasth conducted by the ADLR with respect to disputed properties on hand. Necessary pleadings is also sought



to be inserted in that regard in the plaint by way of amendment. The defendants have resisted the application mainly on the grounds that the order passed by the ADLR regarding pakka phode durasth with respect to Sy.No.23 has been set aside by the DDLR, Chikkamagaluru in an appeal preferred by them under RA No.26/2024-25, dated 26.09.2024. To the contrary the plaintiffs have also filed the orders of Regional Joint Director of Land Records, Mysore in Revision Petition No.305/2024, dated 21.06.2025, wherein, the orders of DDLR in RA No.26/2024-25 has been set aside by restoring the pakka phode conducted by the ADLR, Kadur with respect to the disputed properties on hand. In view of the changed circumstances subsequent to the filing of this suit and also to adjudicate the dispute effectively amongst the parties, the proposed amendment is found to be just and essential in order to arrive at a just conclusion of the suit. The RTC extracts and mutation orders produced by the plaintiffs also demonstrates the change of circumstances due to pakka phode durasth. No doubt, the application seeking for amendment are required to be filed before the commencement of trial, but in view of changed circumstances, the proposed



amendment is necessary to be allowed. Accordingly, the **point No.1 under consideration is answered in the Affirmative.**

8. **Point No.2** :- In view of the discussion in the foregoing point, the following;

ORDER

I.A.III filed by the
plaintiffs, under Order VI
Rule 17 R/w Sec.151 of CPC
is allowed.

The plaintiffs are
permitted to carry out the
proposed amendment in the
plant.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by
me in open Court on this the 10th day of June, 2026)

(IRFAN)
Senior Civil Judge,
Kadur.