

KACM200005842015



**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 9<sup>th</sup> day of October - 2025

**L.A.C. No. 8/2015**

**Petitioner:** Smt. Saroja,  
dead by her legal heir,  
  
Sri. Ramachandra Naik H,  
dead by his legal heirs,  
  
Sri. Giridhar R & Sri. Shashidhara R.  
  
(By: Sri. U.S., Advocate)

**-V/s-**

**Respondents:** Land Acquisition Officer,  
Mini Vidhana Soudha, Tarikere  
and another.  
  
(By Assistant Government Pleader)

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

Applicant/

Petitioner No.1(b): Sri. R. Giridhar.

V/s

Opponent/

Respondent: The Land Acquisition Officer.

<i>i</i>	<i>Provision under which the application is filed</i>	<i>U/O VI Rule 17 R/w Sec.151 of CPC</i>
<i>ii</i>	<i>Relief sought for</i>	<i>Amend the petition.</i>
<i>iii</i>	<i>The date on which the application is filed</i>	<i>05.07.2025.</i>
<i>iv</i>	<i>Number of the application</i>	<i>VI</i>
<i>v</i>	<i>The date on which the objections are filed by different opponent</i>	<i>16.08.2025 by the 1<sup>st</sup> respondent.</i>
<i>vi</i>	<i>The date on which the orders were passed on the said application</i>	<i>09.10.2025.</i>

When the case is posted to hear further, the petitioner No.1(b) has filed this application.

**ORDERS ON I.A.VI**

This interim application has been filed by the petitioner No.1(b), U/O VI Rule 17 R/w Sec.151 of CPC seeking to amend the petition by contending that due to oversight and bonafide mistake the proposed amendment has not been mentioned in his petition. If the application is allowed, it will not change the nature



of petition nor the jurisdiction of the court. If the application is not allowed, he will be put into great loss and same cannot be compensated in terms of money. Accordingly, sought to allow the application.

2. The 1<sup>st</sup> respondent resisted the said application by contending that application filed by the petitioner No.1(b) is not maintainable in law and on facts. The petitioner No.1(b) has sworn to false affidavit b suppressing the real material facts. The petitioner No.1(b) has filed the said application after the lapse of 09 years. Hence, the application is barred by limitation. The petition is claiming the excess amount, than the valuation of the land, which acquired for the laying of Railway tracks. Hence, prays to reject the application.

3. Heard both side. Perused the case records.

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 petition is one for the relief of enhancement of award amount as per the present market price. It is a matter of fact that the present application has been filed after conclusion of the evidence. It is contended under the present application that the acquired property was worth more than Rs.50,000/- per guntas as on the date of preliminary Notification itself and as such without verification of documents, the respondents have got calculated the actual amount for the acquired land for the purpose of laying the railway track and in the counting they have not followed the natural justice and award the meager amount. On the other hand, the 1<sup>st</sup> respondent contended that the application filed by the petitioner No.1(b) after the lapse of 09 years hence, the application is bared by limitation and the petition is



claiming the excess amount more than the valuation of land. Considering the nature of petition, the proposed amendment is found to be just and essential for the effective adjudication of petition on hand. The delay caused may be compensated in terms of money. The proposed amendment will not change the cause of action or nature of petition. Accordingly, the **point No.1 under consideration is answered in the Affirmative.**

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

**ORDER**

I.A.VI filed by the petitioner No.1(b), under Order VI Rule 17 R/w Sec.151 of CPC is allowed with costs of Rs.500/-.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 9<sup>th</sup> day of October, 2025)

Sd/-

(IRFAN)  
Senior Civil Judge,  
Kadur.

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