



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC,  
KADUR.**

**Present: Smt. Nalina S.C., B.A.,LL.B.  
Prl.Civil Judge & JMFC,  
KADURU.**

**Dated: This the 6<sup>th</sup> day of July 2026**

**O.S. No:441/2022**

**Plaintiffs :**

- 1 Sri.Dhiraj S/o Late Bandaiah H.S., Aged about 19 years, R/at. Chowlahiriyuru village, Chowlahiriyur Hobli, Kadur Taluk.

**V/s**

**Defendants**

- 1 Smt.Drakshyani W/o Late Bandaiah H.S., Aged about 41 years.
- 2 Smt.B.Divyashri D/o Late Bandaiah, H.S., Aged about 22 years,
- 3 Sri.M.C.Bogappa, S/o Late Chanappa, Aged about 58 years,
- 4 Sri.Basavarajappa, S/o Late Siddaramappa, Aged about 56 years,
- 5 Smt.Rathnamma D/o Late Siddaramappa, Aged about 63 years,
- 6 Smt.Onkaramma D/o Late Siddaramappa, Aged about 61 years,
- 7 Smt.Jayamma D/o Late Siddaramappa, Aged about 58 years,
- 8 Smt.Kashamma D/o Siddaramappa, Aged about 52 years,  
All are Ra/t. Chowlahiriyur village,  
Chowlahiriyur Hobli, Kadur taluk.

**IA No.VIII****Applicants:****Plaintiff :**

Dhiraj.

V/s

**Opponents:****Defendants**

Smt.Drakashayani and others.

|                                                                   |                    |
|-------------------------------------------------------------------|--------------------|
| Provision under which the application is filed                    | U/o 6 Rule 17      |
| Relief sought for                                                 | R/W/Sec.151 of CPC |
| The date on which the application is filed                        | Amend the plaint.  |
| Number of the application                                         | 13.03.2024         |
|                                                                   | I.A.No.VIII        |
| The date on which the objections are filed by different opponents | ---                |
| The date on which the orders were passed on the said application  | 06.07.2026.        |

**ORDERS ON IA No.VIII FILED BY THE PLAINTIFF U/o 6  
RULE 17 R/W/S 151 OF CPC**

The applicant/plaintiff has filed application under Order 6 Rule 17 R/w/s 151 of CPC, with a prayer to permit the plaintiff to amend the plaint by impleading proposed properties and relief as suit schedule properties and additional prayer.



2. In the accompanying affidavit the plaintiff sworn that, he has filed this suit against the defendants for seeking the relief of declaration and partition and separate possession with respect to suit schedule properties. Now the present case is pending for cross examination of PW.1. The proposed properties are the joint family properties, the plaintiff has also right and share over the said properties, but the father of the plaintiff sold the the proposed properties infavour of the proposed defendant. As such the said sale deeds are not binding on the rights of the plaintiff. As such, it is necessary to implead in the suit which is necessary for adjudication. Hence prays to allow the application.

**Amendment sought for:-**

1. After para 6 of the plaint, to add the following para as  
“6(a) The plaintiff submits that the plaintiff has recently obtained the documents pertaining to the landed property bearing Sy.No.408, measuring 0-02 guntas and also with respect to the house property situated at Chowlahiriyur village, Kadur taluk and came to know that the said properties are the ancestral properties and my father has sold the said properties in favour of C.N.Chethana and Smt.Tholachamma through the registered sale deed without any family benefit and necessity. The plaintiff is not a party to the said sale transactions and the same is not binding on the plaintiff.
2. After relief (court) to include the following relief as (d) (e)  
“(d) For declaration to declare that the alleged sale deed dated 25-04-2005 vide S.R.No.166/2005-06



executed by H.S.Bandaiah in favour of Smt.Tholachamma with respect to 0-02 guntas of land in Sy.No.408 of Chowlahiriyur village, Kadur taluk, is not binding on the plaintiff.

“(e) For declaration to declare that alleged sale deed dated 28-07-2014 vide document No.2636/2014-15 with respect to the house property situated at Chowlahiriyur village, executed by Bandaiah H.S., in favour of C.S.Chethan is not binding on the plaintiff.”

3.After item No.2 of the plaint schedule, to include the following properties as items No.3 and 4.

“3. Landed property bearing Sy.No.408 (Old No.408/2p6), measuring 0–2 guntas, Asst. Rs.10-72, situated at Chowlahiriyur village, Chowlahiriyur Hobli, Kadur Taluk, bounded on the East by : land of H.D. Shankarappa, West by : Govt. field, North by : Land of H.B.Shankarappa and South by : Land of H.S.Manjunath.

4. House property bearing Panchayath Property No.456/P, e-property No.150900205900400874, measuring East – West : 4.69 Mtr., and North – South: 13.63 Mtr., situated at Chowlahiriyuru village, Chowlahiriyur Grama Panchayath, Kadur taluk, bounded on the East by : House of Onkarappa, West by : House of Manjunatha, North by : Road and South by : Road.



3. The defendant has not filed any objection.

4. Heard.

5. Now the following Points would arise for consideration of this Court.

### **POINTS**

1. Whether the proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties?

2. What Order ?

6. My findings to the above Points are as follows:

**POINT NO.1** : In the partly Affirmative

**POINT NO.2** : As per final order  
For the following:

### **REASONS**

7. **POINT No.1**:- The plaintiff filed present suit for the relief of the declaration and partition and separate possession over the suit schedule property.

8. The matter pending cross examination of PW.1. In the mean while the plaintiff has filed present application as well as affidavit and sought for impleading proposed properties and reliefs by way of amendment.



9. The proposed properties are the joint family properties, the plaintiff has also right and share over the said properties, but the father of the plaintiff sold the the proposed properties infavour of the proposed defendants. Hence sought for amendment of plaint. In the suit for partition inclusion of the all the ancestral and joint family property is mandatory. Whether said properties are ancestral and joint family properties or not will be decide after full pledge trial. As such it is just and necessary for the purpose of determining the real questions in controversy between the parties. The additional relief of declaration of the sale deeds are not binding of the plaintiff is concerned, if plaintiff had not the party of the alleged sale deed, it is not required for seeking the relief of not binding, hence the said portion of the proposed amendment is not required. If plaintiff prove the entitle of share over the suit schedule properties automatically the sale deed executed by father of the plaintiff infavour of the proposed defendant will not bind on the rights of the plaintiff. Though the plaintiff has not mention the reason for why not filed the present application before the commencement of trial and even not mention the reason for, why did not pleaded the proposed amendment in the plaint itself, but to avoid the multiplicity of the proceedings, and to determining the real controversy between the parties,



it is just and necessary to allow the application. The delay is concerned, it may be compensate on imposing heavy cost. If this application allowed there is no change the cause of action or nature of the suit. Considering all the above reason answered point No.1 in the ' **Partly Affirmative**'.

**10. POINT NO.2:** - In view of the above discussion and answering the above Points, I proceed to pass the following:

### **ORDER**

I.A.NoVIII filed by the plaintiff under Order VI Rule 17 R/W/Sec.151 of C.P.C. is hereby partly allowed with cost of Rs.500/-.

Impleading of the additional relief is concerned application is hereby rejected.

For amendment of plaint by impleading of properties.

*(Dictated to the stenographer directly on computer, corrected, signed and then pronounced by me in the Open Court on this 6<sup>th</sup> day of July 2026)*

-sd-  
(Nalina S.C.)  
Prl.Civil Judge and JMFC,  
Kaduru.