



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C., AT MUDIGERE
: Present :**

**Sri. Prakash P.M., M.B.A., L.L.B.,
Senior Civil Judge & JMFC,
Mudigere.**

OS No. 32/2024

Dated this the 04th day of June 2026

**Plaintiff: Sri. G.A. Nanjegowda,
Aged about 52 years,
Agriculturist,
S/o Annegowda,
R/o Gonibeedu village and post,
Mudigere Taluk.**

(Rep by Smt. K.V., Adv.,)

-VS-

**Defendants: 1. Sri. C.R. Arun Kumar,
Aged about 58 years,
S/o C.N. Ramappagowda,**

**2. Smt. Sunitha K.S.,
Aged about 49 years,
W/o C.R. Arun Kumar,**

**3. Smt. Sinchana C.A.,
Aged about 28 years,**



D/o C.R. Arun Kumar

4. Sri C. V. Sudeep,

Aged about 51 years,

S/o Late C. L. Virupaksha,

5. Smt. C.V. Surekha,

Aged about 74 years,

W/o Late C.L. Virupaksha,

6. Smt. Bhuvana Sudeep,

Aged about 43 years,

W/o C.V. Sudeep,

1st Defendant to 6th

Defendants are residents of,

Chinniga Village,

Jannapura Post, 577132,

Mudigere Taluk.

7. Sri. B. Jagadeesh,

Aged about 63 years,

S/o Late Boregowda,

R/o No.4, 1st Main Road,

Vijayanandanagara,

Nandini Layout,

Bengaluru-560096.

8. Sri. V.S. Papanna,

Aged about 66 years,

S/o Siddegowda,



R/o No. K 144/39,
11th Cross Road,
19th A Main Road,
1st Block, Rajajinagara,
Bengaluru-560010.

9. Sri. Manohara K.V.,
Aged about 53 years,
S/o Virupakshaiah,
R/o No.22(1/22),
4th Cross Road,
Ganesh Block,
Nandini Layout,
Bengaluru-560096.

10. Sri. Govindarajulu K. Nagaldinne,
Aged about 58 years,
S/o Late Karavanna-
represented by his GPA,
Sri. N.K. Srinivasulu,
S/o Late Karavanna,
R/o No.2, "Srikarna",
1st Main, 2nd Cross Road,
Srikanteshwaranagara,
Nandini Layout,
Bengaluru-560096.

11. Sri. T. Lakshmanappa,
Aged about 81 years,
S/o Late Sheshappa,



12. Smt. T. Nagarathna,
Aged about 71 years,
W/o T. Lakshmanappa,
11th & 12th Defendants
are Residents of,
C-04, "Nisarga Nilaya",
Opp. J.N.N.C.E. College,
Savalanga Road,
Vinobanagara,
Shimoga City & Post 577204,

13. Sri. Divakar Shetty,
Aged about 49 years,
S/o Muddannashetty,
R/o No.2004, 20th Floor-'A' Block,
Hill Crest Hiranandani,
Bannerugatta, Bommanahalli,
Bengaluru-560068

(Rep by Sri. D.S., Advocate)

PARTIES TO IA No.X

**Applicant/
plaintiff**

Sri. G.A. Nanje Gowda

Vs.

Opponents/defendants:

**Sri. C.R. Arun Kumar
and others.**



1	Provisions under which the application is filed	Under order 6 rule 17 of CPC
2	Relief sought for	Amend the plaint
3	The date on which the application is filed	20.01.2026
4	Number of the application	I.A.No.X
5	Date on which the objection filed by opponents	17.04.2026
6	The date on which the order passed on the application	04.06.2026

**Senior Civil Judge and JMFC,
Mudigere.**

ORDER ON I.A. X FILED BY THE PLAINTIFF
UNDER ORDER 6 RULE 17 OF CPC

This I.A. No.X is filed by the plaintiff under order 6 Rule 17 of CPC to permit to delete the plaint schedule Sl. No: 6 property in suit schedule properties portion and also to delete in boundaries mentioned Sl. No: 6 in the schedule boundaries portion and re-correct the para serial number 16, 17, 18 amend as 6, 7, 8.



2. In the affidavit filed in support of the application, the plaintiff stated that, due to oversight, inadvertence, and typographical errors, a property (Sl. No. 6) that is not in dispute and not transferred to the defendants was included in the suit schedule. Consequently, the boundaries relating to Sl. No. 6 were also included. Furthermore, the paragraph numbering from 16-18 requires correction to 6-8. The plaintiff argues this is a necessary amendment to correct bona fide mistakes and is essential for the effective adjudication of the real dispute.

3. On the otherhand the defendants filed objections contending that the application is not maintainable, aimed at dragging the proceedings, and intended to harass them. They argue that the amendment changes the nature of the suit, introduces a new case, and takes away accrued defenses.

4. Heard the counsel for the plaintiff and defendants.

5. The following point arise for my consideration:



1. Whether the plaintiff proves that, the proposed amendment is necessary for complete adjudication of all the controversy involved in the suit?

2. What order?

6. My answer to the above points are as follows :

Point No. 1 : In the Affirmative.

Point No. 2 : As per final order.

for the following

R E A S O N S

7. **Point No. 1 :-** The suit is one for declaration of title and perpetual injunction. The case is setdown for framing issues. At this juncture the plaintiff has come with this IA.

8. The plaintiff has filed this application under Order VI Rule 17 of CPC seeking amendment of the plaint. The nature of amendment sought is (i) deletion of suit schedule property at Sl. No. 6, (ii) deletion of corresponding boundary description relating to Sl. No. 6, and (iii) correction of paragraph numbering from 16, 17, 18 to 6, 7, 8.



9. In the affidavit filed in support of the application, the plaintiff has contended that inclusion of Sl. No. 6 property and its boundaries in the plaint schedule was due to oversight, inadvertence, and typographical error, and that the said property is not in dispute nor transferred to any of the defendants. It is further stated that correction of paragraph numbering is only clerical in nature.

10. The defendants have opposed the application on the ground that the proposed amendment would change the nature of the suit, introduce a new case, and prejudice the defence available to them.

11. On perusal of the plaint, affidavit, and objections, it is evident that the suit is one for declaration of title and perpetual injunction. The proposed amendment does not seek to introduce any new cause of action or substitute the original case of the plaintiff. On the contrary, the amendment seeks deletion of one item of property which is stated to have been wrongly included. Such deletion cannot be construed as altering the nature or character of the suit.



12. Further, the correction of boundaries corresponding to the deleted property is consequential in nature. Likewise, correction of paragraph numbering is purely formal and clerical, which does not affect the merits of the case.

13. It is also pertinent to note that the trial has not yet commenced. As per the settled principles governing Order VI Rule 17 CPC, amendments prior to commencement of trial are to be liberally allowed, provided they are necessary for determining the real questions in controversy and do not cause prejudice to the opposite party.

14. In the present case, allowing the amendment would assist the Court in effectively adjudicating the dispute between the parties and avoid multiplicity of proceedings. The defendants would have sufficient opportunity to meet the amended pleadings, and no irreparable prejudice would be caused to them.



15. The objections raised by the defendants that the amendment changes the nature of the suit or introduces a new case are not substantiated by the material on record. Hence, the said objections cannot be accepted. Accordingly, I answer **Point No.1 in the Affirmative.**

16. **Point No. 2** :- In view of above findings on point No. 1 proceed to pass the following.

O R D E R

The I.A. No. X filed by the plaintiff under Order VI Rule 17 CPC is **hereby allowed**, subject to payment of costs of **Rs. 200/-** to the defendants.

Plaintiff is permitted to amend the plaint as prayed in the IA No.X.

Call on for amendment and amended plaint by 9.06.2026.

(Dictated to the stenographer directly on computer, Typed by her, Corrected and then pronounced by me in the open court on this the 4th day of June 2026)

(Prakash.P.M)
Sr. Civil Judge & JMFC,
Mudigere.