



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT
MUDIGERE**

: Present :

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

O.S. No. 15/2018

Dated this the 20th day of July 2026

Plaintiff: **Smt. Nirmala,**
W/o Late Basavaraj,
Aged about 55 years,
R/o Pavana Nilaya,
C/o Nagaraju,
7th Cross, Jayanagara,
Chikkamagaluru.

[By Sri. K.S.A., Advocate]

V/s.

Defendants: **1. Niranjana,**
Since deceased by LRs

1a) Smt. Hema,
W/o Late Niranjan,
Aged about 63 years

1b) Smt. Prema,
D/o Late Niranjan,
Aged about 37 years
Both are R/o Vijayapura Extension,



Near Kannadi Primary School,
Behind Anjaneya Temple,
5th Cross, Vijayapura,
Chikkamagaluru.

2. Murugesh B.
S/o Basappa Shetty,
Aged about 68 years,
R/o Prakash Nilaya,
1st floor, Lakshmisha Nagara,
Gandhinagar,
3rd Cross, near BSNL Office,
Chikkamagaluru.

3. Dr. B.M. Rajesh,
S/o B. Murugesh,
Aged about 40 years,

4. Dr. B.M. Ranjitha,
D/o Murugesh B.,
W/o Ashok,
Aged about 38 years,

5. Krishnavandana,
S/o Murugesh B.,
W/o Majoj,
Aged about 28 years,
No.3 to 5 are
R/o Prakash Nilaya,
1st floor,
Lakshmisha Nagara,



Gandhinagar, 3rd cross,
Chikkamagaluru.

[D1(a) & (b) By Sri. N.S.J., Advocate
D4 By Sir. K.C.C., advocate and
D2, 3, 5 exparte]

RANK OF PARTIES IN IA.No.XIV

Applicant/plaintiff: Smt. Nirmala represented by
GPA holder Smt. Shubha

Vs.

Opponents/defendants: Niranjana and one deceased by Lrs

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	07.07.2026
4	Number of the application	I.A.No.XIV
5	Date on which the objection filed by opponents	16.07.2026
6	The date on which the order passed on the application	20.07.2026

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



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

This is an application filed by the plaintiff under Order VI Rule 17 of the Code of Civil Procedure seeking amendment of the plaint schedule.

PROPOSED AMENDMENT:

**In plaint 'B' schedule the Sy.No. 10 be deleted,
in its place Sy.No. 11 be inserted.**

2. The plaintiff has sought amendment of the plaint by deleting Sy.No.10 and substituting it with Sy.No.11 in the plaint 'B' schedule property. The case of the plaintiff is that, upon a recent measurement/survey of the suit property, it was noticed that the property actually falls in Sy.No.11 and not Sy.No.10. It is contended that the extent and boundaries of the property remain unchanged and that the proposed amendment is necessary to avoid future complications in execution of the decree.

3. The defendants have opposed the application contending that it has been filed at a highly belated stage, after completion of evidence and when the matter is posted



for defendants' arguments. It is further contended that the plaintiff has failed to establish due diligence as required under the proviso to Order VI Rule 17 CPC and that the proposed amendment would materially alter the description of the suit property and seriously prejudice the defence.

4. Heard both sides. Perused the records.
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 **Negative**.

Point No. 2 : As per final order.

for the following

R E A S O N S

7. **Point No.1** :- The present suit is one for declaration of title based on the Will dated 03.12.2016, for declaration that the Gift Deed dated 15.06.2009 is not binding on the plaintiff,



and for partition of the suit schedule properties. The trial has already concluded and the matter is posted for defendants' arguments on merits. Therefore, the application has admittedly been filed after commencement and completion of trial.

8. The proviso to Order VI Rule 17 CPC mandates that after commencement of trial, an amendment shall not be allowed unless the Court comes to the conclusion that, despite due diligence, the party could not have raised the matter before commencement of trial.

9. In the present case, except making a bald assertion that the property was recently measured and found to be in Sy.No.11, the plaintiff has not produced any survey report, sketch, measurement report or any other document to substantiate the said contention. On the contrary, the documents relied upon by the plaintiff, namely, the Will dated 03.12.2016, the Sale Deed dated 26.04.1993 and the RTC extracts, consistently describe the property as situated in Sy.No.10/1A(P) measuring 12 guntas. No material is placed before the Court to show that the property has in fact been renumbered or that it actually falls in Sy.No.11.



10. Further, the plaintiff has not explained why such discrepancy could not have been noticed and brought to the notice of the Court before commencement of trial. The requirement of due diligence, as contemplated under the proviso to Order VI Rule 17 CPC, has therefore not been satisfied.

11. Moreover, the proposed amendment seeks substitution of the survey number itself, which forms part of the identity and description of the suit schedule property. In the absence of any convincing material to establish that the survey number mentioned in the plaint is erroneous, permitting such amendment at the stage when the matter is posted for final arguments would cause prejudice to the defendants and cannot be allowed. The plaintiff has failed to establish that the proposed amendment is necessary for effective adjudication of the dispute or that, despite due diligence, the amendment could not have been sought before commencement of trial. Accordingly, this Court answers the **point No.1 in the Negative.**



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

O R D E R

I.A. No.XIV filed by the plaintiff
under Order VI Rule 17 of the Code of
Civil Procedure is hereby **rejected**.

(Dictated to the stenographer directly on computer, Typed by her, Corrected and then pronounced by me in the open court on this the 20th day of July 2026)

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