



IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C, TARIKERE

**PRESENT: Sri. Rahul Shettigar, B.Com (Hons.), LL.B
Prl. Civil Judge & J.M.F.C, Tarikere**

DATED THIS THE 21st DAY OF APRIL 2026

ORIGINAL SUIT No. 269/2025

BETWEEN:

Smt. Nagamma and others **PLAINTIFFS**

-AND-

Sri. K.P. Gangadharappa **DEFENDANT**

IN I.A.NO.IV

Smt. Nagamma and others **APPLICANTS/
PLAINTIFFS**

-AND-

Sri. K.P. Gangadharappa **OPPONENT/ DEFENDANT**

PARTICULARS

<i>i</i>	<i>Provision under which the application is filed</i>	<i>Order VI Rule 17 of CPC</i>
<i>ii</i>	<i>Relief sought for</i>	<i>Amendment of Plaint</i>
<i>iii</i>	<i>The date on which the application is filed</i>	<i>27.01.2026</i>
<i>iv</i>	<i>Number of the application</i>	<i>I.A.No.IV</i>
<i>v</i>	<i>The date on which the objections are filed by different opponents</i>	<i>17.02.2026</i>
<i>vi</i>	<i>The date on which the orders were passed on the said application</i>	<i>21.04.2026</i>



ORDERS ON I.A. NO. IV

1. Applicants/ Plaintiffs have filed the instant application under Order VI Rule 17 of C.P.C seeking amendment of the Plaint to the effect made in the application.
2. In the affidavit appended to the application, it is contended that the suit has been instituted seeking the relief of permanent injunction against the Defendant. However, the Defendant, upon appearance, has taken the contention in his written statement that a sale deed relating to the suit schedule property, dating back to the year 1946, is in existence, and therefore, the suit for bare injunction is not maintainable. The Defendant has accordingly denied the title of the Plaintiff over the suit schedule property. In view of the same, it has become necessary for the Plaintiff to seek appropriate amendments to the plaint. It is further contended that if the application is rejected, serious loss and hardship would be caused to the Plaintiff, whereas if it is allowed, no such loss or hardship would be caused to the Defendant. Hence, the prayer is to allow the application.



- 3.** Resisting the application, the Opponent/Defendant has filed objections, inter alia, contending that the application is not maintainable either in law or on facts and is liable to be dismissed in limine. It is further contended that the affidavit appended to the application is filled with falsehoods and that the application has been filed by suppressing material facts. The Plaintiff has not approached the Court with clean hands. The Defendant asserts that the Plaintiff is not in possession or enjoyment of the suit schedule property and that the same is under the ownership and possession of the Defendant's family. It is also contended that the grounds urged in the application are untenable and that no explanation has been offered for filing the application at a belated stage in the suit. According to the Defendant, the proposed amendments ought to have been sought at the time of filing the suit itself. Hence, a prayer is made to dismiss the application.
- 4.** Heard both sides.
- 5.** Having heard the rival contentions and on perusal of the materials, the points that would now arise for my consideration are as under -



Point No.1 : Whether the amendment is necessary to determine the real questions in controversy between the parties?

Point No.2 : What Order?

6. Now, my findings on above points are as follows -

Point No.1 : In the Affirmative

Point No.2 : As per the final order, for the following -

REASONS

7. **Point No.1:** The instant suit is filed seeking relief of permanent prohibitory injunction. The suit is now at the stage of hearing on I.A.No.I and II. At this stage, the Applicants/ Plaintiffs have come up with the instant application seeking amendment to the effect that the following line has to be added to the Plaint -

ಅ) ವಾದಿಯರು ದಾವಾ ಪೆಡ್ಯೂಲ್ ಸ್ವತ್ತಿನ ಕಾನೂನುಬದ್ಧ ಮಾಲೀಕರೆಂದು ಘೋಷಿಸಬೇಕೆಂದು, **ತತ್ಪರಿಣಾಮವಾಗಿ**

ಪ್ರಾರ್ಥನೆಯ ಅ) ಪರಿಹಾರವನ್ನು ಆ) ಪರಿಹಾರವೆಂದು ಹಾಗೂ ಆ) ಪರಿಹಾರವನ್ನು ಇ) ಪರಿಹಾರವೆಂದು ತಿದ್ದುಪಡಿ ಮಾಡುವಂತೆ ಕೋರಿಕೆ .

8. Before advertng to the factual matrix any further, it would be beneficial to first have a conceptual understanding of the law relating to amendment of pleadings. Order VI Rule 17 of C.P.C governs aspect relating to amendment of pleadings and the following judgement of the Hon'ble Supreme Court of India



beautifully encapsulates the scope and ambit of the law relating to amendment of pleadings. In **LIFE INSURANCE CORPORATION OF INDIA V. SANJEEV BUILDERS PRIVATE LIMITED AND ANOTHER** reported in **2022 SCC OnLine SC 1128**, the Hon'ble Supreme Court of India has held at Para No.70 as under -

Our final conclusions may be summed up thus:

(i) Order II Rule 2 CPC operates as a bar against a subsequent suit if the requisite conditions for application thereof are satisfied and the field of amendment of pleadings falls far beyond its purview. The plea of amendment being barred under Order II Rule 2 CPC is, thus, misconceived and hence negatived.

(ii) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word "shall", in the latter part of Order VI Rule 17 of the CPC.

(iii) The prayer for amendment is to be allowed

(i) if the amendment is required for effective and proper adjudication of the controversy between the parties, and

(ii) to avoid multiplicity of proceedings, provided

(a) the amendment does not result in injustice to the other side,

(b) by the amendment, the parties seeking amendment does not seek to withdraw any clear admission made by the party which confers a right on the other side and

(c) the amendment does not raise a time barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).

(iv) A prayer for amendment is generally required to be allowed unless



(i) by the amendment, a time barred claim is sought to be introduced, in which case the fact that the claim would be time barred becomes a relevant factor for consideration,1) The following relief has to be inserted column in place of (a) relief of permanent injunction:

(A) Declaration, declaring that the Plaintiff is the absolute owner and in possession of the suit schedule property

(ii) the amendment changes the nature of the suit,

(iii) the prayer for amendment is malafide, or

(iv) by the amendment, the other side loses a valid defence.

(v) In dealing with a prayer for amendment of pleadings, the court should avoid a hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.

(vi) Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.

(vii) Where the amendment merely sought to introduce an additional or a new approach without introducing a time barred cause of action, the amendment is liable to be allowed even after expiry of limitation.

(viii) Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.

(ix) Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.

(x) Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already



pleaded in the plaint, ordinarily the amendment is required to be allowed.

*(xi) Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed. (See *Vijay Gupta v. Gagninder Kr. Gandhi*, [2022 SCC OnLine Del 1897](#))*

- 9.** Keeping in mind the guidelines issued by the Hon'ble Supreme Court of India in LIFE INSURANCE CORPORATION OF INDIA V. SANJEEV BUILDERS PRIVATE LIMITED AND ANOTHER (Supra) and the very provision of law, it would now be appropriate to delve into the essential facts of the case only to the extent necessary for disposal of this application.
- 10.** To elaborate on the amendment now sought to be made to the existing plaint, it is noticed that the Plaintiffs, on the premise that the Defendant has denied their title to the suit schedule property under a registered instrument, intend to convert the suit into a comprehensive one by seeking a



declaration of title along with the consequential relief of injunction, instead of a mere suit for bare injunction. Given that the suit is still at a nascent stage, an application of this nature ought to be allowed in order to avoid multiplicity of proceedings.

- 11.** The aspects urged by the Defendant in opposing the application largely pertain to factual matters, which cannot be adjudicated at this stage and would be matters for trial in the suit.
- 12.** Amendment of pleadings should generally be permitted where it would result in solution of real controversy between parties, without altering the cause of action. It is settled law that amendment cannot be claimed as a matter of right under all circumstances, but Court ought not to adopt hyper technical approach while deciding such prayers. In other words, Court should be liberal particularly where any prejudice suffered by the other side can be compensated by costs. Applying these principles, it is found that the proposed amendment is necessary to determine the real questions in controversy between the parties. There is of course some delay in preferring the application, and such delay is decided to be met



with appropriate costs. Accordingly, the Point No.1 which has arisen for my consideration is answered in the ***Affirmative***.

13. Point No.2: For the foregoing reasons, the following -

ORDER

I.A No.IV filed by the Applicants/ Plaintiffs under Order VI Rule 17 of C.P.C is hereby allowed on cost of Rs.200/-.

Resultantly, Applicants/ Plaintiffs are permitted to carry out the amendment and furnish amendment Plaint within the next hearing date.

(Dictated to the Stenographer then transcribed, typed, computerized and corrected, then pronounced by me in the Open Court, on this the 21st DAY OF APRIL, 2026)

**sd/-
(Rahul Shettigar)
Pri. Civil Judge & J.M.F.C,
Tarikere.**

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