



**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND
J.M.F.C., AT TARIKERE**

Present: Smt.Urmila.V. B.A.L., LL.B.,
I Addl. Civil Judge & JMFC, Tarikere.

Dated: 8th Day of July 2026

ORIGINAL SUIT NO.342/2024

PLAINTIFF/s :

H.S.Prakasha S/o H.M.Shankarappa,
aged 63 years, Agriculturist, R/o
Ambedkar Nagara, M.G.Road, Tarikere
Town, Tarikere Taluk, Chikkamagaluru
District.

(Reptd. By : Sri M.Lokesh, Advocate.)

Vs.

DEFENDANT/s:

- 1) T.R.Hemaraj S/o late T.N.Revanna,
aged 55 years,
- 2) T.P.Manjunatha S/o late
T.S.Pampanna, aged 60 years,
- 3) T.P.Nagaraja S/o late T.S.Pampanna,
aged 56 years,
- 4) T.P.Haralappa S/o late T.S.Pampanna,
aged 55 years,
- 5) T.P.Babu S/o late T.S.Pampanna, aged
53 years,
- 6) Smt.Sunanda D/o late T.S.Pampanna,
aged 54 years,

KACM710020522024



- 7) T.R.Shanthakumar S/o late
T.N.Revanna, aged 58 years,
- 8) Smt.T.R.Suvarna D/o late
T.N.Revanna, aged 56 years,
- 9) Smt. T.R.Leelavathi D/o late
T.N.Revanna, aged 55 years,
- 10) T.R.Sathish S/o late T.N.Revanna,
aged 53 years,
- 11) Smt.Savithra W/o late T.N.Sheshagiri,
aged 55 years
- 12) T.N.Ananda S/o late T.N.Nagarajappa,
aged 55 years,
- 13) T.N.Latha D/o late T.N.Nagarajappa,
aged 55 years,
- 14) T.N.Radha D/o late T.N.Nagarajappa,
aged 54 years,
- 15) T.N.Drakshayini D/o late
T.N.Nagarajappa, aged 53 years,
- 16) Shekharappa.T.K S/o late
T.N.Keshavamurthy, aged 55 years,
- 17) Ramesh.T.K S/o late
T.N.Keshavamurthy, aged 54 years,
- 18) Smt.Indrani.T.K D/o late
T.N.Keshavamurthy, aged 53 years,

All are Agriculturists R/o
Gowdahanumaiah Street, Tarikere.

(D.1, 7 & 10 : By Sri YT, Advocate.
D.3, 5, 12 to 14, 16 : By Sri T.R.S, Advocate.
D.15, 17, 18 : By Sri C.N.C., Advocate.
D.2, 4, 6, 8, 9, 11 : Exparte.)

KACM710020522024



PARTIES TO I.A.NO.V

Applicant/s: T.R.Hemaraj, T.R.Shanthakumar, T.R.Sathish
Vs.

Opponent/s : H.S.Prakasha

i	Provision under which the application is filed	Order VI Rule 17 r/w Section 151 of CPC
ii	Relief sought for	Amendment of written statement
iii	The date of which the application is filed	15.10.2025
iv	Number of application	I.A.No.V
v	The date on which the objection are filed by different opponents	25.10.2025
vi	The date on which the orders were passed on the said application	08.07.2026

ORDER ON I.A.NO.V

The present I.A., is filed when the matter is set down for filing of objections to I.A.No.IV.

2. The applicants/defendants No.1, 7 and 10 have filed the instant I.A., under Order VI Rule 17 r/w Section 151 of CPC with prayer to amend the written statement by completely substituting Para-2, 3 and 4, as sought in the I.A.

KACM710020522024



3. The I.A., is annexed with the affidavit of defendant No.10. It is stated in the affidavit that, himself and defendant No.1 and 7 have filed common written statement in the present case and upon verification of original records and the registered partition deed dated 08.06.1973, it has been noticed that certain inadvertent factual errors have occurred in the written statement regarding the extent of land held by Smt.Indramma and he has filed the present I.A., to bring the correct facts on record and as such, it is necessary to carry out a complete substitution of paragraphs 2, 3, and 4 of the existing written statement and the proposed substitution will reflect the accurate details of the partition and the correct extent of land held by Smt.Indramma under the said partition deed. It is further stated that, the said error was unintentional and occurred due to reliance on incomplete records at the time of drafting and it was neither intentional nor with any malafide purpose and that in the present case the trial has not commenced and issues are yet to be framed and hence, no prejudice will be caused to the plaintiff if the amendment is allowed. Hence, this I.A.

4. The copy of the I.A., served to the other side. The plaintiff has filed detailed objections and resisted the I.A., filed by the applicants and inter alia contended that, the

KACM710020522024



present I.A., is not maintainable either in law or on facts and the same are liable to be dismissed in limine and defendant No.10 has sworn to a false affidavit in support of I.A.No.5. It is further contended that the amendment sought in the I.A., will completely change the defence earlier taken in the written statement in para No.2, 3 and 4 and the defendant No.10 is taking contra defence which cannot be allowed in law and there is no merit in the I.A.No.5. For all these grounds, the plaintiff prays for to reject the I.A., filed by the applicants with cost.

5. Heard arguments of both sides.

6. On perusal of the materials placed on record, the following points would arise for my consideration are :

- 1) Whether the I.A.No.V filed by the applicants/ defendants No.1, 7 and 10 is deserves to be allowed?
- 2) What order?

7. My findings on the above points are as follows :

Point No.1 : In the Affirmative,

Point No.2 : As per the order,

for the following:

REASONS

KACM710020522024



8. **POINT NO.1** : On perusal of the materials available on record, admittedly the plaintiff has filed the present suit against the defendants for the relief of permanent injunction in respect of suit schedule property. When the matter is set down for filing objections to I.A.No.4, at this stage the defendants No.1, 7 and 10 have filed this instant I.A., to amend the written statement as sought in the I.A.

9. It is the urge of the defendants No.1, 7 and 10 that, upon verification of original records and the registered partition deed dated 08.06.1973, it has been noticed that certain inadvertent factual errors have occurred in the written statement regarding the extent of land held by Smt.Indramma and it is necessary to carry out a complete substitution of paragraphs 2, 3 and 4 of the existing written statement and the proposed substitution will reflect the accurate details of the partition and the correct extent of land held by Smt.Indramma under the said partition deed.

10. On the other hand, the plaintiff has contended that the amendment sought in the I.A., will completely change the defence earlier taken in the written statement in para No.2, 3 and 4 and the defendant No.10 is taking contra defence which cannot be allowed in law and there is no merit in the I.A.No.5.

KACM710020522024



11. At this juncture, I would like to refer Order VI Rule 17 of CPC which reads as follows :

The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

On perusal of the aforesaid provision, it is clear that the parties to the suit are permitted to bring forward amendment to their pleadings at any stage of the proceedings for the purpose of determining the real questions in controversy between them. If such application is made after commencement of the trial, in that event, the court has to arrive at conclusion that in spite of due diligence, the parties could not have raised the matter before the commencement of the trial. In the instant suit, the matter is set down for filing of objections to I.A.No.IV.

12. Admittedly it is a suit for permanent injunction in respect of suit schedule property. The defendants No.1, 7 and 10 have intended to amend the written statement with regard

KACM710020522024



to substitution of Paragraph No.2, 3 and 4 and it is contention of defendants No.1, 7 and 10 that, the said amendment will reflect the accurate details of the partition and correct extent of the land held by Smt.Indramma. In the instant suit, the evidence is yet to be commenced. It appears that the proposed amendment sought by the defendants No.1, 7 and 10 is very much necessary to determine the real question in controversy between the parties. The defendants No.1, 7 and 10 have not sought for to amend the entire written statement and they have sought only to correct and amend the paragraphs No.2, 3 and 4 as mentioned in the I.A. The proposed amendment will not change the nature of suit and cause of action. If the application is allowed, there is no harm caused to the other side. For considering all these reasons, I answer Point No.1 in the Affirmative.

13. **POINT NO.2** : In view of my findings on Point No.1, I proceed to pass the following :

ORDER

I.A.No.V filed by the defendants No.1, 7 and 10 under Order VI Rule 17 r/w Section 151 CPC is hereby allowed on payment of cost of Rs.500/-.

KACM710020522024



The defendants No.1, 7 and 10 are hereby directed to carry out the necessary amendment in the written statement and to file amended written statement copy in time.

For compliance of court order by :

(Dictated to the Stenographer on computer, computerized by her, corrected by me and then pronounced in the open Court on this the day of 8th day of July 2026.)

sd/-
(URMILA.V)
I ADDL.CIVIL JUDGE &
J.M.F.C., TARIKERE.