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

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

Dated this the 13th of AUGUST 2026

ORIGINAL SUIT No. 130/2024

BETWEEN:

Sri. Yallappa		PLAINTIFF
	-AND-	
Sri. Shekharappa		DEFENDANT

IN I.A.NO.II

Sri. Yallappa		APPLICANT/ PLAINTIFF
	-AND-	
Sri. Shekharappa		OPPONENT/ DEFENDANT

PARTICULARS

<i>i</i>	<i>Provision under which the application is filed</i>	<i>Order VI Rule 17 R/w S.151 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>04.06.2026</i>
<i>iv</i>	<i>Number of the application</i>	<i>I.A.No.II</i>
<i>v</i>	<i>The date on which the objections are filed by different opponents</i>	<i>09.07.2026</i>
<i>vi</i>	<i>The date on which the orders were passed on the said application</i>	<i>13.08.2026</i>

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**ORDERS ON I.A. NO. II**

1. Applicant/ Plaintiff has filed the instant application under Order VI Rule 17 r/w Section 151 of C.P.C seeking amendment of the plaint to the effect made in the application.
2. In the affidavit appended to the application, the Applicant/ Plaintiff has contended that the present suit has been instituted seeking the reliefs of declaration and permanent injunction in respect of the suit schedule property. It is further contended that, upon verification of the revenue records, mutation entries, phodi proceedings, and other connected documents, certain material facts relating to the root of title of Sy. No. 45 have come to light. Consequently, the Plaintiff seeks to incorporate the said facts by way of the proposed amendment. It is contended that the amendment is necessary to enable the Court to effectively and completely adjudicate the real controversy involved in the suit. According to the Plaintiff, the proposed amendment merely elaborates the existing pleadings relating to the suit schedule property and does not alter the nature or character of the suit, nor does it introduce a new cause of action. It is further contended that,

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unless the amendment is permitted, the Plaintiff would be deprived of an opportunity to place all the material facts before the Court. Accordingly, the Plaintiff has prayed for allowing the application.

3. Resisting the application, the Defendant has filed objections contending that the application is not maintainable either in law or on facts and is therefore liable to be dismissed in limine. It is contended that there is inordinate delay in filing the present application. It is further contended that the Plaintiff is attempting to introduce facts which are wholly irrelevant to the issues involved in the suit, and such an amendment cannot be permitted. According to the Defendant, the application has been filed only with an intention to prolong the proceedings without any justifiable cause. On these grounds, the Defendant has prayed for dismissal of 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 -

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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 the above points is 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 declaration and possession concerning the suit schedule property and such other ancillary relief. The suit is now at the stage of evidence on the side of the Plaintiff. At this stage, the Applicant/ Plaintiff has come with the instant application seeking amendment of his plaint.

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**

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**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

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- (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,*
 - (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*

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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

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delve into the essential facts of the case only to the extent necessary for disposal of this application.

- 10.** To elaborate the nature and scope of the proposed amendment sought to be incorporated in the plaint, it is seen that the Applicants/Plaintiffs intend to place on record certain additional facts which were allegedly not incorporated at the time of drafting and filing of the plaint. The explanation offered by the Plaintiffs for seeking such amendment is that the complete facts came to their knowledge only after obtaining and examining the relevant revenue records.
- 11.** In the considered opinion of this Court, though the proposed amendments may appear to be extensive in terms of volume, they are essentially supplemental to and in furtherance of the existing pleadings contained in the plaint. The proposed amendments do not introduce any new or inconsistent cause of action; rather, they seek to provide further particulars and details in support of the case already pleaded by the Plaintiffs. It is also relevant to note that the Defendant has not raised any serious objection to the proposed amendments.

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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 seeking amendment but such delay though found to be inordinate, is not one which shocks the conscience of the Court so as to reject the prayer for amendment of the plaint. Hence, the delay is decided to be met with appropriate costs and 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 -

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ORDER

I.A No.II filed by the Applicant/ Plaintiff under Order VI Rule 17 r/w Section 151 of C.P.C is hereby allowed on cost of Rs.200/-.

Resultantly, Applicant/ Plaintiff is permitted to carry out the amendment and furnish amendment plaint within the next hearing date.

(Dictated to Stenographer, after transcription, print out corrected and then pronounced by me in the Open Court on this the 13th of AUGUST, 2026)

sd/-
(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.
(Itinerate at Ajjampura)

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