

-: PRESENT :-

O.S.No.122/2021

V/s

IA No-IV

V/s

1. Provision under which the application is filed	Under Order 6 Rule 17 R/w Sec.151 of CPC
2. Relief sought for	Amendment in the plaint
3 Date on which the application is filed	24-10-2025
4. Number of the application	I.A.No.IV
5. Date on which the objections are filed by different opponents	-----
6. The date on which the orders is passed	13-11-2025

ORDER ON I.A.NO.IV

This is an application filed by the plaintiff seeking the permission of the court to amend the plaint as shown in the application schedule.

2. SOME AND SUBSTANCE OF THE AFFIDAVIT AS UNDER:

In support of the application the plaintiff sworn an affidavit and stated that he has filed the present suit against the defendants seeking the relief of specific performance of contract. While instituting the suit Khata of the plaint schedule property i.e., Sy. No. 28 measuring 1 acre 8 gunta stands in the name of defendant No.1. Thereafter the defendant No. 1 conducted Phodi durasthu while executing sale to the defendant No.7. During that time the said plaint schedule property is assigned as Sy.No.28/2 and increased the extent 1 acre 35 gunta including 27 gunta khrarab land the cultivable land measuring 1 acre 8 gunta in the RTC entries. The said property is now stands in the name of defendant No. 7. Thus the defendant No. 7 entered into compromise with him to leave Western side 7 gunta of agriculture land in the plaint

schedule property along with 27 gunta of kharab land into his name. Thus, proposed amendment in the plaint is necessary. If this application is allowed no hardship will be caused to the other side, if not he will be put to great injustice and injury. Thus, prays to allow the application in the interest of justice and equity.

3. The learned counsel for the defendant receipts his signature on the application that he has no objection for the said application.

4. Based on the averments of the application following points would arise for my determination.

POINTS

1. Whether the plaintiff has made out grounds that, the proposed amendment is necessary for the purpose of determining the real questions in controversy?

2. What Order?

5. Heard and perused the records and on perusal of the same my findings to aforesaid points would be:

POINTS

POINT NO.1 : In the Negative,

POINT NO.2 : As per the final order
for the following:

REASONS

6. **Point No.1:-** Admittedly the present suit filed by the plaintiff seeking the relief of specific performance of contract on the basis of registered agreement of sale without possession dated 12-06-2018 marked at Ex.P. 1 with respect to the property bearing Sy.No. 28 measuring 1 acre 8 gunta assessed at Rs. 1 which is bounded by East: Road, West: land of Tippesh Naika, North: land of Chandra Naika and Shankranaika, South: land of Nanya Naika which is suit property in the Ex.P.1. The RTC extract produced by the plaintiff marked at Ex.P.2 pertaining to the year 2020-21 of Bidugondanahalli village bearing Sy.No.28/2 which totally consisting 1 acre 35 gunta in total out of which 1 acre 8 gunta is shown as agricultural cultivable land and name of defendant No. 1 discloses as khata holder and cultivator as per entries in column No.9 and 12(2) to that extent only. The very document discloses that the existence of 27 gunta of 'B' kharab land on which present plaintiff seeking the amendment

to include in the plaint schedule along with western side 7 gunta of land. Though the learned counsel for defendant stated his no objection, it is the duty of the court to ascertain the legality of the amendment.

7. It is trite law that the property described as 'B' kharab land is exclusively owned by the Government and reserved for public purposes and private parties cannot claim their ownership or title over the 'B' kharab lands which is designated for public utilities such as roads, drains, burial grounds and private individuals are entities do not have transferable title over the 'B' kharab lands. The averments made by the plaintiff in his affidavit nowhere stated and described the nature of kharab land on which he seeking the relief through amendment. The Karnataka Land Revenue Act 1964 and related rules prohibits unauthorized occupation or transfer of B kharab lands. Hence in the present case the defendant No. 1 is no any right, title or interest over the said 27 gunta of kharab land to transfer the same to anybody. Hence assertions of the applicant that he and the defendant No. 7 entered into compromise with respect to the 27 gunta of karab land is void ab-inisio on which neither the defendant No. 1 nor the defendant No. 7 or the plaintiff has any right

over the said kharab land which clearly recited in the Ex.P. 2.
Hence this court answered point No. 1 in the **Negative**.

8. **Point No.2:-** As a result, I proceed to pass the following:

ORDER

**I.A.No.IV filed U/O.6 Rule 17 R/w
Sec.151 of CPC is hereby rejected with cost of
Rs. 200/-.**

**For further plaintiff evidence without
fail.**

Call on 21-11-2025.

(Dictated to the Stenographer, transcribed and computerized by her, corrected by me and pronounced in the Open Court on this **13th day of November 2025**)

**(Smt.Mahalakshmi G.)
I Addl. Civil Judge And JMFC,
Channagiri.**