

**IN THE COURT OF THE I ADDL. CIVIL JUDGE AND
J.M.F.C., CHANNAGIRI**

:: Present ::

Smt. Mahalakshmi. G

M.A., LL.B.,

**I Addl. Civil Judge & J.M.F.C.,
Chanangiri.**

O.S.No.370/2022

Dated this the 18th Day of February 2026

PLAINTIFF : S.H.Shivaprasad and another

V/s

DEFENDANTS : State by Karnataka and others

I.A.NO.IV

Applicant/ defendant : S.H.Shivaprasad/ plaintiff No. 1

V/s

Opponent/ plaintiff : State by Karnataka

1.	Provision under which the application is filed	Under Order 6 Rule 17 R/w 151 of CPC
2.	Relief sought for	Amendment in the plaint
3	Date on which the application is filed	11.06.2025
4.	Number of the application	I.A.No.IV
5.	Date on which the objections are filed by different opponents	03.07.2025
6.	The date on which the orders is passed	18.02.2026

ORDER ON I.A.No.IV

The plaintiff/Applicant has filed this application U/o 6 rule 17 R/w 151 of CPC seeking permission of the court to amendment in the plaint as per the particulars mentioned below, by allowing the application in the interest of Justice and equity.

2. Amendment Sought in the Plaint is as follows: -

1) In the Page No. 7, at Schedule A in the boundaries towards the "East" the word "Private land" is to be deleted and in that place "Land of S.K. Puttappa" is to be added and towards the "North" the word "Private Land" is to be deleted and in that place "Chiradoni - Sagarpete Road" is to be added and in the same way towards the "South" the word "Chiradoni - Sagarpete Road" is to be deleted and in that place "Land of Aslam Sab" is to be added.

2) In the Page No. 7, at Schedule B in the boundaries towards the "West" the word "Private land" is to be deleted and in that place "Land of Siddamma in S. No. 30/10" is to be added and towards the "North" the word "Chiradoni Sagarpete Road" is to be deleted and in that place "Land of defendant No. 4 to 8 in Sy.No.30/9" is to be added and in the same way towards the "South" the word "Land in Sy. No.30/9 belongs to of defendant No. 4 to 8" is to be deleted and in that place "Chiradoni - Sagarpete Road" is to be added.

3) In the Page No. 8, at Schedule C in the boundaries towards the "East" the word "Plaintiff Land in Sy. No. 30/6" is to be added along with Land in S. No. 30/10 belongs with defendant No. 4 to 8" and towards the "West" the word "Private Land" is to be deleted and in that place "Land of Samiulla Sab" is to be added and in the same way towards the "North" the word "Land in Sy. No. 30/10 belongs to of defendant No. 4 to 8" is to be deleted and in that place "Chiradoni - Sagarpete Road" is to be added and also towards the "South" the word "Road" is to be deleted and in that place "Land in Sy. No. 30/10 belongs to of defendant No. 4 to 8" is to be added.

2. In support of the application the plaintiff No. 1 sworn an affidavit and stated that, he is acquainted with the facts of the case and plaint averments may be read as part and parcel of this affidavit seeking amendment in the Plaint by deleting some boundaries in the schedule part and the said mistake has come to his knowledge through his present council while preparing for the evidence and said mistake was due to typical error caused by previous council and same is to be corrected and hence the amendment of the plaint is necessary, no harm will be caused to the other side. If the application is not allowed he will be put to great hardship and inconvenience and no harm will be caused to the plaintiff, as it will decide the matter in controversy and prays to allow the application for amendment in the interest of justice.

3. On the other hand, the defendant No. 5 to 8 filed statement of objection to I.A.No.4 and contended that, the application is not maintainable both in law and also on facts of this case and is liable to be dismissed and the intended amendment sought- for by the plaintiff if allowed, it will change the very identities of which in turn changes the suit properties, cause of action of the suit. The plaintiff, intends to alter the boundaries of suit properties, no relative documents are produced in support of the intended amendment. The plaintiff had not made out any grounds in support of the intended amendment in the affidavit annexed to the impugned I.A in conformity with the provisions Order 6 Rule 17 C.P.C. In fact the description of suit 'A' to 'C' schedule properties as per the intended amendment are not in existence as per the topography at the spot. The plaintiff intended to alter the description of suit properties to suit his convenience. Thus, prays to dismissal of the IA.

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

POINTS

- 1. Whether the plaintiff made out grounds to allow the IA No.IV as prayed for?**
- 2. Whether the proposed amendment is necessary for proper adjudication of the matter?**

3. What order?**5. My Answers to the above points are as follows:-****Point no.1 & 2: In the Affirmative****Point No.3 : As for final order****REASONS**

6. Point No. 1 & 2 : Present application is filed by the plaintiff when the case is posted for plaintiff evidence. Admittedly the present suit filed by the plaintiff seeking the relief of Declaration of title, Mandatory as well permanent injunction in and over the suit schedule properties. The plaintiff has stated in his affidavit that, he recently came to know the necessity of the said amendment through his counsel. Thus, prays to incorporate the proposed amendment in the plaint .

7. Perused the application and the record. Upon perusal of the same this court noticed that at this stage the contention of the plaintiff that the proposed amendment is very much necessary for complete adjudication of the matter between the parties. The contention raised by the defendants in their objection with respect to the alleged properties is not considered at this stage. Moreover, the burden to prove the case is on the plaintiff according to his pleadings. The contention of the defendants that the plaintiff has not assigned proper reasons as well not placed any documents with respect to application schedule properties cannot be consider at this

stage. It is burden casted on the plaintiff to prove that whether he is the absolute owner in possession of the suit property as on the date of the suit. Thus, the present application is deserves to be allowed in order to avoid further litigation and to adjudicate the matter between the parties effectively.

8. The Hon'ble Apex Court and High Court laid down direction in ample number of cases regarding amendment in pleadings to be considered liberally before commencement of trial and it is settled law in position. Where the amendment is sought before commencement of trial the court is required to very liberal in its approach. The court is require to bare in mind the fact that the opposite party which have a chance of meet the case setup in amendment. Equally where the amendment is necessary for the court to effectively adjudicate of the main issues in controversy between the parties. The amendment should be allowed to avoid multiplicity of proceedings. The defendants also have an opportunity to file amended written statement and cross the witnesses to prove their contention.

9. Accordingly, this court is of the opinion that, the proposed amendment is very much necessary for adjudication of the matter and no injustice will be caused to other side. Accordingly, the **point No.1 and 2** under reference are answered **in the Affirmative**.

10. Point No.3: In view of discussion and conclusion arrived at point No.1 and 2, this court proceed to pass the following:

ORDER

I.A. No.IV filed by the plaintiff Under Order 6 rule 17 of CPC., is hereby allowed.

Consequently, the plaintiff is permitted to carry out amendment and to produce amended plaint on next date of hearing as sought in the application schedule.

To carry out amendment and to produce amended plaint.

Call On 03-03-2025

(Dictated to the Stenographer, transcribed and computerized by him, script corrected and then pronounced by me in Open court on this 18th February 2026)

**(Smt. Mahalakshmi. G)
I Addl. Civil Judge & J.M.F.C.,
Channagiri.**

