

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL JUDGE &
J.M.F.C., HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

O.S. No.138/2025

Dated this the 05th day of June, 2026

*Plaintiff : Hanumant Devar Trust Keshwapur,
Hubballi and others.*

.Vs.

*Defendant : The Branch Manager,
State Bank of India,
Hubballi.*

PARTIES TO I.A. NO.II

Applicant/s : *Hanumant Devar Trust Keshwapur,
Hubballi and others.*

.Vs.

Opponent/s : *The Branch Manager,
State Bank of India,
Hubballi.*

- i. Provision under which : Under Order 6 Rule 17 of CPC.
application is filed*
- ii. Relief sought for : For amendment of plaint.*
- iii. The date on which : 13.01.2026
application is filed*
- iv. Number of the : II
application*

- v. The date on which : 19.01.2026
objections are filed by
different opponents
- vi. The date on which : 05.06.2026
orders were passed on
the said application

ORDERS ON I.A. NO.II

This order arises out of interlocutory application No.II filed by the applicants/plaintiffs under Order VI Rule 17 of CPC, for amendment of plaint.

Proposed amendment sought to be introduced to the plaint:

At para No.8 Court Fee, the following words is to be inserted at Para No.8 at line No.3 Court fee column.

“Hence Court fee is remitted U/S.21 of the Karnataka Court fee and Suit Valuation Act” is to be added.

And the following words are to be deleted at Para No.8 Court Fee at 3rd Line i.e.,

*“Hence Court fee is remitted U/S.-----
of RELIGIOUS ENDOWMENT ACT” is to be deleted.*

2. The brief facts of the affidavit annexed to application is that, in the pleading at para No.8 of the plaint Court Fee column some mistake has committed as the Court fee has to be remitted as per Karnataka Court fee and suit valuation act. Therefore, the pleadings as per application is required to be amended. Hence, prayed to allow the application.

3. *The defendant has filed objections and contending that, the application filed by the plaintiff is false, frivolous and vexatious. The application is not tenable in law. It is further contended that this Court was pleased pas an order directing “The plaintiff is hereby directed to pay the proper Court fee and directed to amend the plaint well in time regarding proper and specific requirements with respect to entire amount of arrears of rent and specific sections of the Karnataka Court Fees and Suit Valuation Act. In default the plaint shall stands automatically rejected” as per order on I.A. No.I dated: 17.12.2025. The said order directed the plaintiff to disclose the total amount claimed in the suit and the court fee paid on the said amount. The plaintiff instead of complying the said order has filed an application for amendment without mentioning the amount claimed in the suit. The plaintiff has just sought to change the provision of the KCF and SV Act by way of amendment. The amendment is not proper and clear. The same is not permissible in law. The plaintiff to avoid the payment of court fees as directed by this Court as per order on I.A. No.I dated:17.12.2025 has filed an application for amendment of plaint. The intention of the plaintiff is to drag on the case and harass the defendant. The application is devoid of merits and deserves to be dismissed with costs.*

4. *Heard arguments.*

5. *The following points are for my consideration.*

- *Point No.1: Whether the plaintiffs have made out sufficient grounds to allow the application?*

- *Point No.2: What order?*

6. *My findings to the above points are as under.*

- *Point No.1: in the Affirmative.*
- *Point No.2: As per final order,
for the following;*

REASONS

7. **Point No.1:** *This is the suit filed by the plaintiffs against the defendant for the relief of recovery of lease money. The facts of the application and objections already assigned above, if once again assigned is nothing but replica of the same. Hence I do not assigned here.*

8. *On careful perusal of the entire materials available on record, it is noticed to the Court that it is true that this Court by earlier Order dated:17.12.2025 on IA No.1 had directed the plaintiff to disclose the total amount claimed in the suit and the court fee payable thereon. Admittedly the said direction has not yet been complied with by the plaintiff. However the amendment now sought is only with regard to Alteration of the provision relating to payment of court fee. The proposed amendment does not change the nature of suit or introduce a new cause of action. Therefore, to the limited extent of permitting amendment in respect of the provision relating to court fee, the application deserves to be allowed.*

9. *At the same time, merely because the amendment is allowed, it does not absolve the plaintiff from complying with the earlier directions issued by this court. Regarding disclosure of valuation and payment of proper court fee. The plaintiff shall*

necessarily comply with the order dated 17.12.2025. If the plaintiff fails to furnish the valuation particulars and pay proper court fee, in accordance with law, the plaintiff shall face the legal consequences arising therefrom at the appropriate stage.

In view of the above, this court is of the considered opinion that the application deserves to be allowed. Therefore, I answer **point No.1 in the affirmative.**

10. **Point No.2:** On the basis of my reasons on point Nos.1, I proceed to pass the following;

ORDER

I.A. No.II filed by the plaintiff under Order VI Rule 17 R/w Sec.151 of C.P.C. is hereby allowed.

Thereby, the plaintiff is permitted to carryout the amendment as prayed in the application.

For amendment and amended plaint.

(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **05th day of June, 2026**)

sd/-

(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.