

**IN THE COURT OF SENIOR CIVIL JUDGE AND  
JMFC, KALAGHATAGI**

**PRESENT**

**SRI. RAVINDRA L.HONOLE, B.A., LL.B. (Spl)  
SENIOR CIVIL JUDGE AND JMFC, KALAGHATAGI**

**DATED THIS 16<sup>TH</sup> DAY OF OCTOBER 2024**  
**O.S. No.53/2022**

**PLAINTIFFS:**

Kallappa calling to be the son of  
Gangappa Neelannavar and others

**(Sri. I.B.H., Adv)**

Vs

**DEFENDANTS:**

Gangappa N. Neelannavar and others

**(D-1 to 3 Sri. G.R.H., Adv)**

**PARTIES TO IA**

**APPLICANTS:**

Kallappa calling to be the son of  
Gangappa Neelannavar and others

Vs

**OPPONENTS:**

Gangappa N. Neelannavar and others

**ORDER ON I.A.No.16**

The applicants/plaintiffs have filed this application u/o 6 rule 17 of CPC for bringing proposed amendment to the plaint as sought in the application.

2. This application is supported by the affidavit sworn to by the plaintiff No.3, wherein it is stated that they have filed suit for partition and separate possession. The defendant No.2 and 3 have fraudulently and taking absence of plaintiffs have got decreed suit in O.S.No.59/2020 behind the back of plaintiffs by hiding the true facts. As per judgment and decree property numbers have been changed. Therefore, it is necessary to bring proposed amendment to the plaint. If the application is allowed no harm or loss would be caused to the defendants. On the other hand, they will be put into great hardship. Therefore, prays for allowing the application.

3. The defendants have filed objection. denying the contents of application. The plaintiffs having knowledge of facts have filed concocted story with ulterior motive. They have taken specific contention in the written statement denying their relationship with plaintiffs. Therefore, claiming partition against defendants does not arise. The plaintiffs are not the wife and sons of defendant No.1. The plaintiffs are

residing together at Saunshi village, Kundgol taluk. The plaintiffs have no right over the suit property. To cheat the defendants have made false allegations. The application is filed to harass the defendants. Therefore, prays for dismissal of application with cost.

4. Heard both counsels.

5. The points arise for my consideration are:

1. Whether the applicants/plaintiffs have made out sufficient grounds to allow the proposed amendment which is necessary for effective adjudication of the matter in controversy between parties?

2. What order?

6. My findings on the above points are:

**POINT No.1** : In the Affirmative

**POINT No.2** : As per the final order  
for the following

### **REASONS**

7. **POINT No.1**: The plaintiffs have filed suit for partition and separate possession. During pendency of the case the plaintiffs have sought for amendment to the plaint. I have gone through the proposed amendment sought to the plaint. The plaintiffs intends to bring amendment to the plaint, schedule properties

wherein after filing suit there was change of number and extent of property as per compromise decree passed in O.S.No.59/2020. The proposed amendment sought to the plaint is in consonance with further development took place during pendency of case.

8. The evidence of parties is not yet commenced. At this pretrial stage amendment to the pleadings is permissible under law. Further proposed amendment is subsequent development after filing of suit which is necessary to prove the case of the plaintiffs. If the application is allowed no harm or prejudice would be caused to the other side. On the other hand, plaintiffs will be put into untold hardship which cannot be compensated. Further the defendants have an opportunity to file additional written statement to the proposed amendment. In order to complete adjudication of the matter in controversy between parties it is just and necessary to permit the plaintiffs to bring proposed amendment to the plaint. Accordingly, I have answered point No.1 in the affirmative.

9. **POINT No.2:** As discussed above, I proceed to pass the following:

**ORDER**

The applications filed by the applicants/ plaintiffs U/o 6 Rule 17 of CPC is hereby allowed.

Plaintiffs are permitted to amend the plaint as prayed for.

No order as to cost.

(Dictated to stenographer directly on computer, typed by him, then corrected, printed and pronounced by me in the open court on this **16<sup>th</sup> day of October 2024**)

**(R.L.HONOLE)**  
**SR. CIVIL JUDGE AND JMFC,**  
**KALAGHATAGI**