

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
CJM, AT GADAG**

PRESENT

**SHRI. G.R.SHETTAR. B.Com. LLB (Spl)
PRL. SENIOR CIVIL JUDGE & CJM, GADAG**

DATED THIS 06TH DAY OF AUGUST, 2026

O.S.No.147/2025

PLAINTIFF: Kariyappa Karigar
(R/by Sri Anil H.Budarpur, Advocate)
Vs

DEFENDANTS: Yallappa Karigar and others
(Dft.No.1, 2 & 6-R/by Sri K.L.Karegoudar., Advocate)
(Dft.No.3 to 5 – Ex-parte)

PARTIES To I.A. No.IV

APPLICANTS/

DEFENDANTS 1, 2 & 6: Parappa Karigar and others

Vs

OPPONENTS/

PLAINTIFF : Kariyappa Karigar

i.	Provision under which the applications are filed	U/O 6 Rule 16 and 17 R/w Sec.151 of CPC
ii.	Relief sought for	To strike out the pleadings in written statement
iii.	The date on which the application is filed	01/06/2026
iv.	Number of application	I.A.No.IV
v.	The date on which the objections is filed by different opponent/s	03/08/2026
vi.	Date on which order is passed on said application	06/08/2026

ORDER ON I.A.IV U/O 6 RULE 16 AND 17
R/W SEC.151 OF CPC

Applicants/defendant No.1, 2 and 6 have filed this application praying for striking out para No.10 of the written statement as mentioned in the application.

2. Application is supported by the affidavit sworn to by the defendant No.6, wherein it is contended that plaintiffs have filed the suit for partition and separate possession and these defendants have filed written statement, but through oversight, paragraph No.10 which is not connected to the facts of the case has been appeared in the written statement, the said pleading is totally unnecessary for adjudication of the suit, as such, it is required to be struck out from the written statement. If the said pleading is strike out, no prejudice or harm will be caused the other side. Hence, prayed for allowing the application.

3. The plaintiff has filed objections denying the application and the averments made in the affidavit filed in support of the application as false, the application is not maintainable either in law or on facts of the case, and

it deserves to be dismissed in limini. The application is meritless in the sense of not disclosing any valid grounds, the application is devoid of merit. Hence, prayed for dismissal of the application with cost.

4. Heard the arguments.

5. The points arise for my consideration are:

P O I N T S

I. Whether the applicants/defendant No.1, 2 and 6 have made out sufficient grounds to allow the application and strike of the pleadings as prayed for ?

II. What order ?

6. My findings on the above points are:

POINT No.I : In the Affirmative

POINT No.II : As per the final order
for the following:

R E A S O N S

7. **POINT No.I**: Applicants/defendant No.1, 2 and 6 have contended that paragraph No.10 is wrongly appeared in the written statement which is not connected to the present facts of the case and it is totally unnecessary for adjudication of the suit. Hence, prayed for permitting them to strike out the said paragraph. Per contra, plaintiff has opposed the application and contended that no valid grounds are assigned to allow the

application and application is devoid of merit. Hence, prayed for dismissal of the application.

8. I have gone through the entire material carefully. Applicants/defendant No.1, 2 and 6 have contended that due to oversight, paragraph No.10 has been appeared in the written statement filed by them, as such applicants/ defendants are intending to strike out that paragraph from the written statement, which is unnecessary for adjudication of suit. The plaintiff though opposed the application, but not stated what injustice will be caused to him if the said paragraph is struck out from the written statement. Present suit is at the initial stage, no further proceedings are taken place after filing of the written statement by the concerned defendants. Therefore, I am of the considered opinion that the applicants / defendant No.1, 2 and 6 have made out sufficient grounds to allow the application. Hence, point No.I is answered in the Affirmative.

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

ORDER

I.A.No.IV filed by the applicants/ defendant No.1, 2 and 6 U/o 6 Rule 16 and 17 r/w Sec.151 of CPC is allowed.

Applicants / defendants are permitted to strike out paragraph No.10 from the written statement as prayed in the application.

No order as to cost.

(Dictated to Stenographer, transcribed and typed by him, printed, then corrected and pronounced by me in the open court on this **06th day of August, 2026**)

Sd/- 06/08/2026

(G.R.SHETTAR)

**Prl. Senior Civil Judge & CJM.,
GADAG**