

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

**PRESENT**

**SHRI. G.R.SHETTAR., B.com. LL.B (Spl)  
PRL. SENIOR CIVIL JUDGE AND CJM, GADAG**

**DATED THIS 22<sup>ND</sup> DAY OF APRIL, 2026**

**O.S.No.149/2015**

**PLAINTIFFS:**

Suvarna W/o Hanamantagouda  
Tadasageri and another

**(R/by Sri S.B.Kuri., Advocate)**

**Vs**

**DEFENDANTS:**

Channappa S/o Yallappa Ainapur  
and others

**(R/by Sri. S.Y.Kallapur., Advocate)**

**PARTIES to I.A. No.XI**

**APPLICANTS/  
PLAINTIFFS:**

Suvarna W/o Hanamanthgouda  
Todasageri

**Vs**

**OPPONENTS/  
DEFENDANTS:**

Channappa S/o Yallappa Ainapur  
and Others.

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|      |                                                                   |                                  |
|------|-------------------------------------------------------------------|----------------------------------|
| i.   | Provision under which the applications are filed                  | U/o 6 Rule 17 R/w Sec.151 of CPC |
| ii.  | Relief sought for                                                 | For amendment to the plaint      |
| iii. | The date on which the application is filed                        | 07/04/2026                       |
| iv.  | Number of applications                                            | I.A.No.XI (1)                    |
| v.   | The date on which the objections is filed by different opponent/s | 15/04/2026                       |
| vi.  | Date on which order is passed on said application                 | 22/04/2026                       |

**ORDERS ON I.A.No.XI FILED U/O 6 RULE 17  
R/W SEC. 151 OF CPC**

Applicants/plaintiffs have filed the present application praying for permission to amend the plaint and to include the properties as per the proposed amendment.

2. Application is supported by the affidavit sworn to by the plaintiff No.1, wherein it is contended that they have filed the suit for partition and separate possession, declaration and permanent injunction. At the time of filing the suit, due to oversight and non availability of the proper documents some properties as mentioned in the application which are ancestral

properties were not added in the plaint. The defendants have taken contention in the additional written statement about non inclusion of the properties. Thereafter the plaintiffs obtained the documents and felt necessity of including the properties and filed this application. Proposed amendment will neither change the nature of the suit nor affect the cause of action. If, the application is not allowed, the suit will fail and thereby the plaintiffs will be put to irreparable loss and hardship. If, the is allowed, no harm or damage will be caused to the other side. Hence, prayed for allowing the application.

3. The defendant No.2(a) to 2(d) and 4 have filed objections to the application denying the application and the averments made in the affidavit annexed to the application as false. It is contended that plaintiffs having knowledge that the suit suffers from non inclusion of properties but not filed application for long time. Already, plaintiffs have got amended the plaint recently and again filed this application without valid reasons, as such, application is not maintainable.

Hence, prayed for rejection 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/plaintiffs have made out sufficient grounds to allow the application ?

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/plaintiffs have contended that at the time of filing the suit, due to oversight and non availability of documents, some properties as mentioned in the application were not added in the plaint, said properties are necessary to be included for proper adjudication of the matter. Per contra, defendant No.2(a) to 2(d) and 4 have opposed the application contending that the plaintiffs having well knowledge that suit suffers from non inclusion of properties, they have already got amended the plaint recently, but filed one more application without valid

grounds, as such, application is not maintainable. Hence, prayed for rejection of application.

9. I have gone through the entire material carefully. After remand of the matter by the Hon'ble Appellate Court, the plaintiffs got included some properties as per the order on I.A.No.9, but apart from that, due to non availability of proper documents, properties as mentioned in the application were left out, said properties are also ancestral properties and same are necessary to be included. As rightly contended by the defendants, already plaintiffs got amended the plaint and filed one more application for same reason. It is settled law that amendments are to be liberally construed, amendments are to be allowed if, such amendment will neither change the nature of suit nor affect the cause of action. In this case, plaintiffs by way of amendment are not taking away any of the earlier pleadings, but they want to include some properties. Proposed amendment will neither change the nature of suit nor affect the cause of action. Though the defendants have opposed the

application, but not denied about remand of the matter by the Hon'ble Appellate Court to include properties and the defendants also not stated what injustice will be caused to them if the application is allowed.

10. It is true that the plaintiff got amended the plaint recently and filed one more application for amendment, through it will not be a ground to reject the present application but due diligence of the plaintiffs is to be considered. Even after amendment to the plaint, the defendants are having every opportunity to file additional written statement. Now the case is for further evidence of plaintiffs. However due to filing of the applications repeatedly by the plaintiffs the defendants are put inconvenience. So, far as inconvenience caused to the defendants is concerned, it can be met with by awarding some cost. Therefore, I am of the considered opinion that the applicants/plaintiffs have made out sufficient grounds to allow the application. Hence, point No.I is answered in the Affirmative.

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

**ORDER**

Application filed by the applicants/  
plaintiffs in I.A.No.XI U/o VI Rule 17  
R/w Sec.151 of CPC is allowed on cost  
of Rs.500/-.

Plaintiffs are permitted to carry out  
amendment as prayed in the  
application.

(Dictated to Stenographer, transcribed and typed by  
him, printed, then corrected and pronounced by me in the  
Open Court on this **22<sup>nd</sup> day of April, 2026**)

Sd/-<sup>22/04/2026</sup>  
**(G.R.SHETTAR)**  
**Prl. Sr. Civil Judge & CJM.,**  
**GADAG**

