

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

PRESENT

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

DATED THIS 13TH DAY OF FEBRUARY, 2026

O.S.No.317/2022

PLAINTIFFS:

1. Shantavva W/o Hanamappa Vadavi
Age: 58 years, Occ: Household & Agriculture
R/o Lakshmeshwar, Dist: Gadag.
2. Yallamma W/o Andappa Totagante
Age: 56 years, Occ: Household & Agriculture
R/o Sanganal, Tq: Yalburga.
3. Kamalamma W/o Shivappa Totagante
Age : 54 years, Occ : Household & Agriculture,
R/o Sanganal, Tq: Yalburga.
4. Leelavati W/o Rudragouda Patil,
Age : 52 years, Occ : Household & Agriculture
R/o Kurtakoti, Tq: Dist: Gadag.

(By Sri. K.F.Doddamani, Advocate)

Vs

DEFENDANTS:

1. Akkamahadevi W/o Basavanneppa
Channapura @ Allapura, Age : 58 years,
Occ: Household & Agriculture,
R/o Old Pyati Oni, Kurtakoti
Tq: Dist: Gadag.
2. Neelavva D/o Basavanneppa
Channapura @ Allapura, Age : 38 years,
Occ: Household & Agriculture,
R/o Old Pyati Oni, Kurtakoti
Tq: Dist: Gadag.

3. Mallappa S/o Basavanneppa Channapura @
Allapura, Age : 36 years,
Occ: Household & Agriculture,
R/o Old Pyati Oni, Kurtakoti
Tq: Dist: Gadag.
4. Prabhu S/o Basavanneppa Channapura @
Allapura, Age : 33 years,
Occ: Household & Agriculture,
R/o Old Pyati Oni, Kurtakoti
Tq: Dist: Gadag.
5. Hanamantappa S/o Basappa Hubballi
Age : 55 years, Occ: Agriculture,
R/o Old Pyati Oni, Kurtakoti
Tq: Dist: Gadag.

**(Dfts.No.1 to 4-by Sri. V.C.Shirol, Advocate)
(Dft.No.5- by Sri. M.N.Aravatagi, Advocate)**

PARTIES to I.A. No.12

**APPLICANTS/
PLAINTIFFS:**

Leelavati W/o Rudragouda Patil and others.

Vs

**OPPONENTS/
DEFENDANTS:**

Akkamahadevi W/o Basavanneppa Channapur
and others.

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i.	Provision under which the application is 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	28/01/2025
iv.	Number of applications	I.A.No.12
v.	Date on which the objections is filed by different opponent/s	02/02/2025
vi.	Date on which the order is passed on said application	13/02/2026

ORDERS ON I.A.12 U/O 6 RULE 17
R/w.Sec. 151 OF CPC

Applicants/plaintiffs have filed this application praying for permit them to amend the plaint as per the proposed amendment.

2. Application is supported by the affidavit sworn to by the plaintiff No.4, wherein it is contended that, suit properties are the joint family properties but while preparing the plaint some of the important aspect have not been pleaded and now the plaintiffs want to include the said pleading by adding some sentence in the plaint which are very necessary to decide the case effectively. Proposed amendment will neither change the nature of

the suit nor affect the cause of action. If the application is allowed no harm or loss will be caused to the other side. On the other hand if the amendment is not allowed the plaintiffs will be put to great loss and injustice. Hence, prayed for allowing the application.

3. The defendants No.1 to 4 have filed the objection denying the application and the averments made in the affidavit filed in support of the application as false. It is contended that, the plaintiffs have not shown proper reason why the amendment was not sought at the earlier stage, now the entire trial of the case is concluded and matter is posted for the final order. At this stage plaintiffs have filed this application to fill up the lacunas in their case which is not permissible under law. Present application is filed only with an intension to drag the matter unnecessarily and to cause handles and disposal of the case. Hence, prayed for dismissal of the application with cost. Defendant No.5 has filed memo adopting the objections filed by the defendants No.1 to 4.

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 and to amend the written statement?
- 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. **POINTS No.I:** Applicants/plaintiffs have filed this application praying for permitting them to amend the plaint i.e., to add some lines in the plaint as per the proposed amendment. It is contended that while preparing the plaint plaintiffs could not plead some important aspects which are very much necessary to decide the case effectively, proposed amendment will neither change the nature of the suit nor affect the cause of action. Per contra, the defendants have opposed the application and contended that, no valid reasons are assigned for allowing the application at belated stage after conclusion of trial.

8. I have gone through the entire material carefully. Plaintiffs have filed this application praying for permitting them to amend the plaint by including some lines as per the proposed amendment. According to the plaintiffs the said amendment is very much necessary for effective adjudication of the matter. The plaintiffs want to include some lines in the plaint but not taking away or deleting any of the earlier pleadings. It appears that proposed amendment will not change the nature of the suit, nor affect the cause of action. The defendants though opposed the application filed by the plaintiffs for amendment but not stated that, what injustice will be caused to them, if the proposed amendment is allowed. It is true that, now the trial is concluded and matter is set down for final arguments and at this stage the plaintiffs have filed amendment application which caused some inconvenience to the defendants. So far as inconvenience caused to the defendants is concerned it can be met that by awarding some costs. Moreover, even after amendment to the plain, the defendants are

having every opportunity to file the additional written statement and to rebut the amended pleadings of the plaintiffs. Therefore, I am of the considered opinion that applicants / plaintiffs have made out sufficient grounds to allow the application. Hence, the 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.12 filed by the applicants /plaintiffs U/o 6 Rule 17 R/w Sec.151 of CPC is allowed on cost of Rs.1,000/-.

The applicants/ plaintiffs are permitted the carry out amendment in the written statement as per the proposed amendment.

(Dictated to Stenographer, transcribed and typed by him, printed, then corrected and pronounced by me in the Open Court on this **13rd day of February, 2026**)

(G.R.SHETTAR)
Prl. Senior Civil Judge & CJM.,
Gadag