

KAHS310010172022



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE & JMFC,
AT ARAKALGUD**

PRESENT : Smt. Suma T, B.A.,LL.B
II Addl. Civil Judge & JMFC.,
Arakalagud

DATED THIS THE 29th DAY OF OCTOBER 2025

ORIGINAL SUIT No.153/2022

Plaintiff

1. Suvarna
W/o Late K. Basavashetty @ Bashetty
Aged about 80 years,
2. Suresha
S/o Late K. Basavashetty @ Bashetty
Aged about 58 years,

Both are R/o Kotavalu village,
Ramanathapura hobli,
Arakalgud taluk,
Hassan district.
3. Kusuma W/o Shivalingaswamy
Aged 62 years,
No.74, 8E cross,
Attiguppe, Bengaluru.
4. Sukanya W/o Lokesha
aged 56 years,
Sri Shiddeshwara stores,
Mysore road,
K.R. Nagara town,
Mysore district.
5. Manjula W/o Sathish Kumar,
Aged 52 years,

Hosapete road,
Tiptur town,
Tumkur district.

6. Shantala W/o Siddesha
Aged 45 years,
Govindanahalli,
Kikkerti hobli,
K.R. Pete taluk.

(Represented by Sri. H.P.S., Advocate)

-V/s-

Defendants

1. Paramesha S/o Late Nanjappashetty
Aged 62 years,
Kotavalu village,
Ramanathapura hobli,
Arakalgud taluk,
Hassan district.
2. Chief Secretary,
VidhanaSoudha,
Bengaluru.
3. Chief Executive Officer,
Zilla Panchayath,
Hassan.
4. Executive Officer,
Talluk Panchyath,
Arakalgud taluk,
Arakalgud.
5. Panchayath Development Officer,
Office of the Grama Panchayath,
Ramanathapura Hobli,
Arakalgud taluk.

(D1 by K,D.P., Advocate
D2 by A.G.P., Advocate)
D3 to D5 Exparte)

Parties to IA No.7

Applicant : Suresha S/o Late K. Basavashetty @ Bashetty

-V/s-

Opponent: Paramesha S/o Late Nanjappashetty and others

1	Provision Under which the application is filed	U/O. 6 Rule 17 R/w Section 151 of CPC
2	Relief sought for	For amendment of plaint and schedule.
3	The date on which the application is filed	19-08-2024
4	Number of the applications	I.A.No.7
5	The date on which the orders were passed on the said application	29-10-2025

ORDERS ON IA NO.7

The plaintiff No.2 has filed I.A.No.7 U/o 6 Rule 17 R/w Section 151 of CPC for amendment of plaint as stated in the application.

2. The applicant/ plaintiff No.2 in the annexed affidavit states that the he has filed this suit for declaration and injunction. While filing the suit by oversight mistake and typographically error, some points are left out in the plaint and proposed amendments is very much essential to prove their case and to avoid multiplicity of proceedings it is very much essential. The said fact came to know when preparing notes for cross examination. This amendment will not cause any trouble to the

defendants and it will not change the nature of the suit. Further stated that, the amendment is very much essential, otherwise he will be put to great hardship and irreparable loss. Hence, prayed to allow the application.

3. The defendant has opposed the application contending that the chief examination of the plaintiffs was completed and the case was posted for cross-examination of PW1, at this stage, the plaintiffs brought the amendment petition is not maintainable in law and it will change the nature of the suit. This application is vexatious and intend to harass the defendants by prolonging litigation. Therefore, the application is liable to be dismissed.

4. Heard the arguments on both sides.

5. The following points arise for my consideration:

1. Whether the plaintiff has made out grounds to allow the I.A.No.7 U/o 6 Rule 17 R/w Section 151 of CPC?
2. What order?

6. My findings on the above points are as follows:

Point No.1: In the Affirmative

Point No.2: as per final order

for the following:

: R E A S O N S :

7. POINT NO.1:- On perusal of the application, affidavit and nature of the proposed amendment, objection this court is of

the opinion that the amendment in plaint and schedule sought is necessary for the proper adjudication of the dispute. The proposed amendment does not change the nature of the suit and it will help the court in deciding the matter in dispute. Though the objections have been raised, the amendment by inserting such facts appears to be bonafide and essential and moreover it is a stage of plaintiff evidence and though issues are framed and case is posted for cross of PW-1. Any inconvenience to the defendants can be compensated by imposing costs and the defendants are at liberty to file written statement if any. Accordingly, I answer point No.1 in Affirmative.

9. Point No.2: in view of the above discussion, I proceed to pass the following :

: O R D E R :

I.A.No.7 filed by the plaintiff U/o 6 Rule 17 R/w section 151 of CPC is hereby allowed on cost of Rs.300/-.

The plaintiff is permitted to carry out amendment within 14 days and also for compliance of cost and file amended plaint.

[Dictated to the stenographer directly through computer, typed by her, corrected by me and then pronounced in the open court on this the 29th day of October 2025]

(SMT. SUMA T.)
II ADDL. CIVIL JUDGE & JMFC
ARAKALGUD

Order pronounced in open Court vide
separate order.

ORDER

I.A.No.7 filed by the plaintiff U/o 6
Rule 17 R/w section 151 of CPC is hereby
allowed on cost of Rs.300/-.

The plaintiff is permitted to carry out amendment within 14 days and also for compliance of cost and file amended plaint.

By 14-11-2025.

**II ADDL. CIVIL JUDGE & JMFC
ARAKALGUD**