

**IN THE COURT OF THE SENIOR CIVIL JUDGE &
JMFC, ARSIKERE**

DATED THIS THE 04th DAY OF MARCH 2026

Present: Sri.Kirankumar D.Wadigeri, B.A.L., L.L.B.,
Senior Civil Judge & JMFC.,
Arsikere.

O.S. No.107/2022

Plaintiff : Smt.Jayamma
D/o Late Sannaramegowda,
Aged about 65 years,
R/o Shishuvala Village,
Kanakatte Hobli, Arsikere Taluk,
Hassan District.

(By Sri S.P.V., Advocate)

-V/s-

Defendants : 1) Shankaralingappa
S/o Late Marulasiddegowda,
Aged about 59 years,
R/o D.M. Kurke Village,
Kanakatte Hobli, Arsikere Taluk,
Hassan District and others.

(D-1, 2, 4 to 7 by Sri K.V.H., Advocate)
(D-8 to 10 by Sri Y.C.R., Advocate)
(D-3 by Sri N.S.S., Advocate)

Parties to I.A.No.4

Applicant : Shwetha S.G. W/o Ravisha D.L.
Aged about 22 years,
R/o Dodda Ramegowdana Koppalu
Village, Arsikere Taluk,
Hassan District.
(GPA holder of the plaintiff)

-V/s-

Opponents/
defendants : 1) Shankaralingappa
S/o Late Marulasiddegowda.

ORDERS ON I.A.No.4

The GPA holder of the plaintiff has filed this application under Order 6 Rule 17 of CPC to permit her to amend the plaint as mentioned in the application.

2. The applicant in her affidavit filed along with this application has stated that her grandmother is the plaintiff who has instructed her that at the time of filing of the suit due to non-availability of documents she has not added the proposed amendment property in the suit and now she got the said document and it is also their ancestral property in which she is having coparcenary right. If the application is allowed, no harm or injury will be caused to other side. Hence, it is prayed to allow application.

3. The defendants in their objections have denied the contents of this application filed by the GPA holder of the plaintiff and also denied the proposed amendment property is the ancestral property. Now, the GPA holder of the plaintiff has already been

examined and at this stage this application is not maintainable and liable to be dismissed.

4. Heard both sides on I.A.No.4.

5. Then the following points arise for consideration of this Court are as under:-

1) Whether the GPA holder of the plaintiff has made out sufficient grounds to allow I.A.No.4?

2) What order?

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

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

Point No.2 : As per final order
for the following:

REASONS

7. **Point No.1:** The plaintiff has filed this suit for the relief of partition and separate possession against the defendants in the suit properties, stating that the suit properties are the ancestral and joint family properties of herself and the defendants. Defendant Nos.16 and 17 have taken the contention that the suit properties are the self-acquired properties of the 1st defendant.

8. The suit is for partition and separate possession and if the plaintiff is not allowed to add the said property, she will face much hardship and loss and burden is on the plaintiff to prove that

the proposed amendment property is also ancestral property of the plaintiff and defendants. At the same time, the defendants are also having every right to disprove the case of the plaintiff. Further, the nature of the suit will not be changed and no fresh cause of action arose for the plaintiff to add the proposed amendment property. Therefore, the applicant has made out sufficient grounds to allow this application. Hence, **my finding to point No.1 is in the Affirmative.**

9. **Point No.2:** In view of the reasons and finding given to point No.1, the following is made:

ORDER

I.A. No.4 filed by the applicant under Order 6 Rule 17 of CPC is hereby allowed with cost of Rs.100/-.

Accordingly, the plaintiff is permitted to amend the plaint as stated in the application.

(Dictated to the Stenographer, transcribed and computerized by him, corrected and then pronounced by me in the open Court on 4th day of March 2026)

(Kirankumar D.Wadigeri)
Senior Civil Judge & JMFC,
Arsikere.