

**IN THE COURT OF PRL.CIVIL JUDGE & JMFC AT
CHANNARAYAPATTANA**

Dated this the 07th day of March, 2026

Present: SMT. KUSUMA V. B.A.L, LL.B.,

Prl. Civil Judge & JMFC

Channarayapattana.

O.S.No. 477/ 2009

Plaintiff : Smt.K.A.Reakha and others

V/s.

Defendants : Subbegowda and others

PARTIES IN IA NO.28

***Applicant : Smt. Parvathamma [defendant
No.2(a)]***

V/s.

Opponents: Smt.K.A.Reakha and others

ORDERS ON APPLICATION FILED UNDER ORDER

6 RULE 17 OF C.P.C

The I.A.28 is filed by the defendant No.2(a) U/o.6 Rule 17 of CPC praying to permit the defendant No.2(a) to amend the additional written statement filed by the 2nd defendant in the interest of justice.

2. In the accompanying affidavit the defendant No.2(a) stated that she filed this application on behalf of other legal heirs of the 2nd defendant. Further she stated that, she is the wife of 2nd defendant. At the time of filing of additional written statement the deceased 2nd defendant had left some facts in it. Therefore necessary to permit them to amend additional written statement. Hence prayed to allow the application.

3. On the other hand, the plaintiffs have filed objection to the said application, in there they stated that, with an intension to drag on the proceedings the defendant No.2(a) has filed this application. Further they stated that, after laps 16-17 years this defendant has filed this application. Hence they prayed to reject the application.

4. Heard on both sides and perused the materials placed on record.

5. The points that arise for consideration of this court are as under :

1. Whether the defendant No.2(a) has made out sufficient grounds to allow the application ?

2. What order?

6. The answers to the above points are as here under:-

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

Point No. 2 :- As per final order.

For the following :

:: REASONS ::

7. Point No.1 :- As could be seen from the record, the instant suit has been filed by the plaintiffs against the defendants for partition and separate possession in respect of the suit schedule properties. On perusal of the application it seems that in respect of the properties mentioned in the application, the evidence by defendant No.2(a) is already concluded, but while filing additional written statement the deceased 2nd defendant has not mentioned the averments as stated in the present application. The objections the plaintiff stated that with an intension to drag on the proceedings the defendant No.2(a) has filed this

application. On perusal of the file it appear that the defendant No.2(a) had already given materiels before this court in respect of the proposed amendment has sought by her. The suit is filed in the year 2009. Now the present application has been filed by this defendants praying to amend the additional written statement filed by 2nd defendant. The 2nd defendant is none other than defendant No.2(a). During the course of arguments the counsel for the defendant No.2(a) submits that except impleading some averments in additional written statement, there is no any further evidence on said proposed averments. Therefore if the permission is accorded to the defendant No.2(a) by imposing cost and also to avoid multiplicity of proceedings, no hardship would be caused to the plaintiff. Hence, this court answered **point No.1 in the Affirmative.**

8. Point No. 2 : In the light of forgoing discussion, this court proceeds to pass the following:

ORDER

I.A.No.28 filed by the defendant
No.2(a) U/o.6 rule 17 of CPC is hereby
allowed on costs of Rs.1,000/-.

The defendant No.2(a) is permitted to carry out the necessary amendment as sought by her.

(Dictated to the Stenographer, corrected and then pronounced by me in the open Court on this the 07th day of March-2026)

(Smt. Kusuma V)
Prl. C.J. & JMFC,
Channarayapatna.

(Order Pronounced in open court, Vide separate Order)

ORDER

I.A.No.28 filed by the defendant No.2(a) U/o.6 rule 17 of CPC is hereby allowed on costs of Rs.1,000/-.

The defendant No.2(a) is permitted to carry out the necessary amendment as sought by her.

*For amendment and
amended additional written
statement.*

call on 10-03-2026.

(Smt. Kusuma V)
Prl. C.J. & JMFC,
Channarayapatna.