

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

Dated this the 13th day of February, 2026

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

Prl. Civil Judge & JMFC

Channarayapatna.

O.S.No. 553/ 2014

Plaintiffs : Smt. Manjamma and others

V/s.

Defendants : Sri. Rangegowda and others

PARTIES IN IA NO.24

Applicants : Smt. Manjamma and others

V/s.

Opponents: Sri. Rangegowda and others

ORDERS ON APPLICATION FILED UNDER ORDER

6 RULE 17 OF C.P.C

The I.A.24 is filed by the plaintiff U/o.6 Rule 17 of CPC praying to permit the plaintiff to amend the plaint schedule as prayed in the application in the interest of justice.

2. In the accompanying affidavit the plaintiff sworn that, the plaintiff No.3 sworn that he and other plaintiffs have filed this suit against the defendants for the relief of

partition and separate possession in respect of the suit schedule properties. At the time of filing of the suit some of the joint family properties are left over. Due to non availability of the revenue documents of these properties the plaintiffs have not able to mention the proposed properties in plaint schedule. Further he stated that the said properties are the ancestral and joint family properties of plaintiffs and defendants. Hence prays to allow the application.

3. On the contrary the counsel for the defendants have filed objections stating that with an intention to harass the defendants the plaintiffs have filed this application. Further they stated that with an intention to grab the self acquired properties of the defendant, the plaintiff has filed this application. The properties which are mentioned in the application are all alienated properties. In support of their application the plaintiffs have not furnished single documents to show that the said properties are the ancestral and joint family properties. Further they stated that the plaintiffs have not bring the parties mentioned in the RTC extracts. Further the item No.6,7,9 and 10 are already partitioned between plaintiffs and defendants. They are enjoying the same separately and the 2nd defendant had build RCC roofed house in item No.7. With an intention to drag on the

proceedings the plaintiffs have filed this application. Hence 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 plaintiffs have 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 Negative**

Point No. 2 :- As per final order.

For the following :

:: REASONS ::

7. **Point No.1** :- The suit has been filed by the plaintiffs against the defendants for the relief of partition and separate possession in respect of the suit schedule properties. The present application has been filed by the plaintiffs to permit them to amend the plaint schedule as prayed in the application.

8. In the application the plaintiffs have taken the contention that the at the time of filing of the suit by

oversight some of the joint family properties are left over and now they collected documents to the said properties. In the objections the defendants have taken the contention that the proposed properties which are mentioned in the application, some of the properties are the self acquired properties of the defendants, some of the properties are already alienated and in item No.7 the defendant No.2 had constructed RCC roofed house. The plaintiffs except filing this application they have not furnished any single documents to show that the proposed properties are ancestral properties of plaintiffs and defendants.

9. On perusal of the file it appears that at the stage of Judgment the plaintiffs have filed this application, without furnishing supportive documents. This case is filed in the year 2014, till filing this application the plaintiffs have not made any attempts to implead the proposed properties in the plaint schedule. In the absence of necessary documents and at this belated stage the plaintiff has not made out grounds to allow the application. Hence this court answered **point No.1 in the Negative.**

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

ORDER

I.A.No.24 filed by the plaintiffs U/o.6
rule 17 of CPC is hereby rejected.

*(Dictated to the Stenographer, corrected and then pronounced by me in
the open Court on this the 13th day of February-2026)*

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

(Order Pronounced in open court,
Vide separate Order)

ORDER

I.A.No.6 filed by the plaintiff
U/o.6 rule 17 of CPC is hereby
rejected

For arguments finally.

Call on 21-02-2026.

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