

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

Dated this the 23rd day of July, 2025

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

Prl. Civil Judge & JMFC

Channarayapattana.

O.S.No. 655/ 2014

Plaintiff : N Krishnaswamy

V/s.

***Defendants : Jayashree Jayanth and
another***

PARTIES IN IA NO.30

Applicant : Jayashree Jayanth

V/s.

Opponent : N Krishnaswamy

ORDERS ON APPLICATION FILED UNDER ORDER

6 RULE 17 OF C.P.C

The counsel for the GPA holder of the defendant No.1 has filed I.A.30 U/o.6 Rule 17 of CPC praying to permit the defendant No.1 to amend the written statement as prayed in the application in the interest of justice.

2. In the accompanying affidavit the GPA holder of defendant No.1 sworn that the plaintiff has filed the suit for the relief of permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of suit schedule properties. Further he stated that the defendant No.1 has filed counter claim in the above suit seeking reliefs against the plaintiff. Further she stated that the Hon'ble High Court of Karnataka its order dated 22.10.2022 in RFA No.1226/2016 (PAR) filed by her as plaintiff under the said partition suit involving the same suit properties as in the present injunction suit. Remanded the litigation back to the trial court, the later having dismissed the case on a preliminary issue of law vide its order dated 05.07.2016 in O.S No.6285/2008 at Bangalore. Further she stated that subsequent events and fresh information which is relevant to the outcome of this litigation and despite due diligence were not available to her at the time of filing her written statement. Hence prays to allow the application.

3. On the other hand, the plaintiff has filed objections to the said application, in there he stated

that the present application is nothing but another malafide attempt of the defendant to protract and prolong these proceedings and the instant application ought to be dismissed. Further he stated that amendments sought for are completely aliened to the present suit and would not in any manner assist to this court in adjudicating the present suit, which is the bare injunction suit. Hence he prays to reject the application.

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

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

1. Whether the GPA holder of the defendant No.1 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 Negative**

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 plaintiff against the defendants for the relief of permanent injunction in respect of the suit schedule properties.

8. Now the present application has been filed by GPA holder of the defendant No.1 praying to permit her to insert the certain paragraphs in the written statement as prayed in the application.

9. As could be seen from the rival pleadings of both the parties, the plaintiff and defendant No.1 are father and daughter, the defendant No.2 is the husband of defendant No.1 and son-in-law of the plaintiff. As per the plaintiff the suit schedule properties are his self acquired properties and he is in exclusive possession and enjoyment thereof as an absolute owner, but the defendants are causing interference to the plaintiff's peaceful possession. Hence the plaintiff has filed this suit. But as per the defendants the defendant No.1 is a daughter of the plaintiff, since the suit schedule properties are ancestral properties, she is a co-parncener and she is having equal rights and share in the suit schedule properties and she is in joint possession and enjoyment of suit properties.

10. The present suit is only a bare injunction. The defendant No.1 also sought the relief of permanent injunction against the plaintiff in respect of suit schedule properties as per counter claim. It is well settled principle of law that Order 6 Rule 17 of C.P.C empowers the court to allow the parties to amend there pleadings, but said amendment shall be necessary for adjudication of the matter in dispute and it will not change the nature of the suit and not take away the rights of other side. Herein this case, as stated supra, the proposed amendment is no way necessary for adjudication of the matter in dispute and it will change the entire nature of the suit. On plain reading of the proposed amendment it shows that the defendant No.1 is seeking to insert arbitrary personal opinions provision of the law and personal interpretation of various unspecified decisions. Therefore under these circumstances it is sufficient to hold that the GPA holder of the defendant No.1 is utterly failed to made out sufficient grounds to allow her to amend the written statement as mentioned in the application. Hence this court answered **point No.1 in the Negative.**

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

ORDER

I.A.No.30 filed by the GPA holder of the defendant No.1 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 23rd day of July-2025)

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

(Order Pronounced in open
court, Vide separate Order)

ORDER

*I.A.No.30 filed by the GPA
holder of the defendant No.1
U/o.6 rule 17 of CPC is hereby
rejected.*

*For defendants' evidence
finally.*

Call on :

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