

KAHS810030362024



IN THE COURT OF CIVIL JUDGE AND JMFC.,
SAKALESH PURA

:-Present:-

SRI LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

Civil Judge & JMFC., Sakaleshpura

Dated : 23rd day of July, 2025

O.S. NO. 291/2024

Plaintiff : Smt. Indramma
V/s

Defendants : Sri. Yogesh B.R. and another

IA NO.III

Plaintiff : Smt. Indramma
V/s

Defendants : Sri. Yogesh B.R. and another

ORDERS ON IA NO.III FILED BY THE PLAINTIFF

U/O. VI RULE 17 OF CPC.,

This application is filed when the matter is posted for hearing on IA No.II under order 39 Rule 1 and 2 of CPC. The plaintiff has filed the present application U/o.VI Rule 17 of CPC praying this court to permit the plaintiff to amend the plaint by amending the



measurement of suit schedule property in the schedule portion as mentioned in the application.

2. In the affidavit the plaintiff has stated that she has filed the present suit for the relief of permanent injunction. At the time of filing of the suit, she could not secure the documents. Now, she has obtained documents from concerned authority. Hence, it is necessary to mention the measurement of suit schedule property. If the application is not allowed she would put to irreparable loss and injury. Hence prayed to allow the application.

3. The defendant has filed objections to the application and contended that the plaintiff had mentioned only khata number without the measurement of the suit schedule property. Now, on basis of the created documents, she is proposed to mention the wrong measurement without any possession of the suit schedule property. The plaintiff has also shown wrong



boundaries. The proposed amendment introduces new facts. Hence, prayed to dismiss the application.

4. Heard arguments and perused the records.

5. The following points would arise for the determination:

1. Whether the present application as sought by the plaintiff is just and necessary for the proper adjudication of the matter involved in the suit?

2. What order?

6. The findings on the above said points are 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 the present suit for the relief of permanent injunction. Earlier the plaintiff had mentioned khata Number and boundaries. Now, she is proposed



to amend the plaint by mentioning measurement of suit schedule property. It is for the plaintiff to prove her case with cogent evidence. On the other hand, the contentions raised by the defendant in the application is matter of trial. The merits of the case cannot be determined in the application for amendment. Further, mere allowing the application does not mean that this court has accepted the plea of the plaintiff. However, it is subject to proof and the defendant at liberty to disprove the said averments. The evidence is not yet commenced. Hence, this court is opinion that the proposed amendment neither changes the nature of the suit nor cause of action. On the other hand, if the application is not allowed, the plaintiff may suffer. With these observations, application deserves to be allowed. Accordingly point No.1 is answered in the Affirmative.

8. Point No.2 :- For the above discussed reasons, this Court proceeds to pass the following;



ORDER

The application No. III filed by the plaintiff U/o. VI
Rule 17 of CPC is hereby allowed on costs of Rs. 200/-.

The plaintiff is permitted to amend the plaint as
prayed and to file amended plaint.

[Dictated to the Stenographer directly on computer and then corrected by me and
thereafter pronounced in the open court on this the 23rd day of July 2025]

(Lakshmi Narasimha R.V.)
Civil Judge and JMFC.,
Sakaleshpura.