

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND CJM, AT. HAVERI**

:PRESENT:

**Sri.Mahammad Anwar Hussain Mogalani
B.Sc., L.L.B. (Spl)**

Prl. Senior Civil Judge & CJM,
Haveri

DATED THIS 11TH DAY OF NOVEMBER-2025
O.S.No.148/2024

PLAINTIFFS:

1. Gangamalavva
W/o Timmappa Masti,
Age: 65 years, Occ: Agriculture,
R/o Gangapur, Tq: Ranebennur,
Dist: Haveri and others.

V/s

DEFENDANTS:

1. Ramesh S/o Hanumantappa Gangapur,
Age: 42 years, Occ: Agriculture,
R/o Motebennur, Tq: Byadgi,
Dist: Haveri another.

PARTIES ON I.A. NO.II

Applicant: 1. Gangamalavva
(Plaintiffs) W/o Timmappa Masti,
and others.

(By Sri M. C. H., Adv.,)

V/s

Opponents : 1. Ramesh S/o Hanumantappa
(Defts) Gangapur and another.

(By Sri G. A. N, Advocate)

ORDERS ON I.A.NO.II

The plaintiffs have filed this application Under Order 6 Rule 17 R/w 151 of CPC for seeking amendment of plaint as stated in the application.

2. On the other hand, the learned advocate for defendants has filed objections to the said application.

3. Heard both the sides on I.A.No.II and following points arises for my consideration.

1. Whether it is just and necessary to pass order as stated in IA II under Order 6 Rule 17 of CPC as claimed in the application?

2. What order?

4. My answers to the aforesaid points are as follows

Point No.1 : In the Affirmative

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

REASONS

5. **Point No.1:-** In the affidavit the plaintiffs have contended in this application that they are intended to amend the plaint regarding execution of 'Will Deed' dated 04.04.2022 which has been executed by deceased Krishna S/o Malatesh Munigoudra. After execution of this 'Will Deed' the defendant No.1 and 2 without taking any money they have executed sale deed dated 07.12.2023, as per the 'Will Deed' executed in favour of defendant No.1, the name of defendant No.1 and 2 have been mutated in the revenue records dated 01.07.2024. The plaintiffs have claimed the execution of 'Will Deed' in favour of defendant No.1 on 04.04.2022 as null and void and not binding on the rights of the plaintiffs in the suit properties and also sought for the relief that whatever the execution of sale deed in favour of defendant No.2 dated 07.12.2023 is also null and void and not binding on the shares of the plaintiffs. Hence the plaintiffs prays to allow the application.

6. On the other hand the defendant No.1 and 2 have stated in the objections that these plaintiffs already have filed another suit in respect of the same properties and

also making same persons as a parties in the said suits. Hence only to harass the plaintiffs and defendants have filed this false application, the plaintiffs have not paid sufficient court fee in respect of their prayer and in respect of 'Will Deed' is concerned that 'Will Deed' is came in favour of defendant No.1 and on the basis of 'Will Deed' the defendant No.1 has executed the property involved in the said 'Will Deed' has executed the property in favour of defendant No.2. Accordingly the defendant No.2 is in the possession and cultivating the suit property till on this date. Hence the defendants prays to dismiss the application.

7. As per order 6 Rule 17 of CPC if any point have been not interested in the plaint and those facts beyond the control of the plaintiffs and accordingly they could not have filed without documents in respect of suit properties are concerned, if once the plaintiffs have got the said documents, then the defendants by giving costs to the defendants then this application can be allowed by giving chance to the defendants. In this case also the defendants are ready to amend the plaintiff if after conclusion of the trial, because if any serious dispute involved in the case regarding execution of the 'Will Deed' then the decree

holder can take steps in order to amend the plaint as stated in the application. If stringent cost on plaintiffs no harms will be caused to the defendants and this case is posted for only further chief examination of PW1 at this earliest stage if the amendment is allowed no harm will be caused to other side. Hence, the point No.1 is answered in "**Affirmative**".

8. **Point No.2:-** As per the reasons stated in point No.1, I proceed to pass the following.....

ORDER

*The I.A. No.II filed by the
plaintiffs is hereby allowed on
payment of cost of Rs.500/-.*

*Call on for amendment of
plaint as stated in IA by
13.11.2025.*

**Prl. Senior Civil Judge & CJM,
Haveri**