



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

Dated on this the 06th day of August 2026

**Present: Sri. ADITHYAKUMAR H.R, B.A.LL.B.
Prl. Civil Judge & JMFC.,Ranebennur.**

ORIGINAL SUIT NO.314/2024

Plaintiffs : Sridhar S/o Ramachandrappa
Chikkannanavar & others.

(Rep. By Sri.K.M.M., Advo.,)

V/s

Defendants: Shri. Maruthi Man Power Development
Society Ltd(R) & others.

**(Dft. No.1 to 10 Rep. By Sri. S.A.K., Adv.)
(D-1 absent.) (D-12 Rep. by Shri. S.B.K.
Advo.,) (D-13 to 49 Rep., Shri. B.S.A.
Advo.,) (D-50 & 51 Rep., A.G.P.)**

I.A. NO. VI CAUSE TITLE.

Applicants/

Defendants : Shridhar & others.

-Vs.-

Opponent/

Plaintiff : Shri. Maruthi Man Power Development
Society Ltd(R) & others.

**ORDER ON IA NO. VI**

When the case was posted for Plaintiffs' evidence, the present application is filed by the plaintiffs under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking amendment of the plaint by incorporating certain additional pleadings to Para No.11.

2. The application is accompanied by the affidavit of the applicant/plaintiff No.1, wherein it is contended that, they have filed the present suit for declaration and other consequential reliefs. Due to oversight and bonafide mistake, they could not plead the proposed amendment in the plaint and the same is not intentional. The applicants submit that if the application is not allowed, they would be put to great hardship, whereas no hardship would be caused to the other side if the amendment is permitted.

3. *Per contra*, defendants No.1 to 10 have filed common objections contending that the application is neither sustainable in law nor on facts and that it has not been filed under the proper provision of law. It is further contended that the proposed amendment is an afterthought, beyond the scope of the suit, and sought at a belated stage when the matter is posted for trial. No



cogent reasons are made out in the affidavit, the applicants have failed to exercise due diligence, and the application has been filed only with an intention to delay the proceedings. It is further contended that, the original plaint averments are in english language and proposed pleadings are in kannada language and the same is impermissible under the law. Hence, they pray for dismissal of the application as not sustainable in the eye of law.

4. Heard the counsel for either side. Perused the materials on record.

5. The following points that would arise for consideration of this court are as hereunder;

POINTS

1. Whether I.A. No. VI filed by the plaintiffs seeking amendment of the plaint, by proposing to incorporate Kannada pleadings into an existing plaint drafted in English, is maintainable in the present form.?

2. What Order?

6. My findings on the above Points are as hereunder:

Point No.1 ; In the Negative.

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



REASONS

7. Point No.1 :-

The plaintiffs have sought permission to amend the plaint by insertion of certain additional paragraphs to para No.11. The defendants have opposed the application on various grounds. Since the present order is confined to the maintainability of the application in the form in which it has been presented, this Court intentionally refrains from examining the merits or otherwise of the proposed amendment and the rival contentions touching upon the necessity, relevancy or legality of the amendment.

7.1. On careful perusal of the records, it is noticed that the original plaint filed before this Court is drafted entirely in the English language. However, the proposed amendment sought to be incorporated is drafted entirely in the Kannada language. Thus, if the application is allowed in its present form, the plaint would become a composite pleading containing different paragraphs in two different languages.

7.2. A plaint constitutes one complete and integrated pleading setting out the cause of action and material facts on which the plaintiff seeks relief. Every amendment allowed under **Order VI Rule 17** of the Code becomes part and parcel of the original pleading and thereafter both the original and



amended pleadings have to be read as one consolidated plaint. Therefore, the pleading should be presented in a coherent and uniform manner.

7.3. The purpose of pleadings is to clearly inform the opposite party of the material facts in issue, enable the Court to identify the real controversies between the parties and facilitate framing of issues and adjudication of the suit. The pleadings are also required to be maintained as permanent judicial records. Incorporation of substantial portions of pleadings in different languages in the same plaint is likely to create avoidable ambiguity and inconvenience in appreciating the pleadings, preparation of copies, conduct of trial and future appellate scrutiny.

7.4. Though the procedural law does not prohibit institution of proceedings in a language permissible under law, once a plaint has been presented in one language, any subsequent amendment intended to become part of that very pleading should ordinarily be presented in the same language or by filing a consolidated amended plaint in a uniform language permissible under the applicable Rules. Such uniformity promotes clarity, certainty and proper maintenance of judicial records.

7.5. In the present case, the plaintiffs have not sought leave to file a consolidated amended plaint nor have the proposed amendment been presented in the same language as the original plaint. The application, as drafted, seeks insertion of Kannada pleadings into an



English plaint. This Court is of the considered opinion that such an application, in its present form, cannot be entertained.

7.6. It is necessary to clarify that this Court has not examined whether the proposed amendment is necessary, bona fide, barred by law, changes the nature of the suit, causes prejudice to the defendants or otherwise satisfies the requirements of Order VI Rule 17 of the Code. All such questions are intentionally kept open and are left undecided. The present order is confined solely to the procedural defect in the manner in which the application has been presented.

7.7. Since the defect is procedural in nature and capable of being rectified, the plaintiffs cannot be non-suited on that ground alone. Accordingly, while declining to entertain the present application in its existing form, liberty deserves to be reserved to the plaintiff to file a fresh application, if so advised, by presenting the proposed amendment in accordance with law and in a proper and uniform form. Accordingly, this Court proceeds to answer the point No.1 in the **Negative**.

8. Point No.2:- For the reasons stated above and considering the nature and circumstances of the case in hand. This Court proceeds to pass the following;



ORDER

“IA No. VI filed by the Applicant/Plaintiffs under Order VI Rule 17 of CPC is hereby **dismissed as not maintainable in its present form.**

It is made clear that this Court has not expressed any opinion on the merits of the proposed amendment or on the objections raised by the defendants.

The plaintiffs are at liberty to file a fresh application for amendment, if so advised, by curing the procedural defect and by presenting the proposed amendment in accordance with law.

No order as to costs.”

**(Adithyakumar H.R)
Prl. Civil Judge and JMFC.,
Ranebennur.**