



**IN THE COURT OF THE CIVIL JUDGE AND JUDICIAL
MAGISTRATE FIRST CLASS, SAVANUR.**

PRESENT : **SRI. SRINIVASA. S.N.**
B.A., LL.M.,
Civil Judge and JMFC.,
Savanur.

O.S.NO.303/2019

DATED THIS 20TH DAY OF NOVEMBER, 2025

Plaintiffs : Narasanagouda S/o Chandragouda Patil
Since dead represented by his LR.
[By Sri V.B.T., Advocate]

V/s.

Defendants : Tippanna S/o Mariyappa Madar and others
[By Sri M.G.N., Advocate]

PARTIES IN IA-X AND IA-XI

**Applicant/
Plaintiff** : Narasanagouda S/o Chandragouda Patil
Since dead represented by his LR.

V/s

**Opponents/
Defendants** : Tippanna S/o Mariyappa Madar and others

I	Provision under which the applications are filed	IA-X:	U/O VII rule 14 read with Section 151 of CPC
		IA-XI:	U/O VI Rule 17



			read with Section 151 of CPC,
II	Relief sought for	IA-X:	To produce documents along with documents
		IA-XI:	To amend the plaint with respect to measurement of the suit schedule property
III	Date on which the application is filed	IA-X:	17-04-2025
		IA-XI:	17-04-2025
IV	The date of which objections filed by the different opponent	IA-X:	02-05-2025
		IA-XI:	02-05-2025
V	Date on which the order was passed on said applications		20-11-2025

**Civil Judge & JMFC.,
Savanur.**

ORDER ON I.A. NO.X and XI

The plaintiff has filed the present I.A.No.X U/O VII rule 14 read with Section 151 of CPC seeking to produce documents



along with documents and I.A.No.XI U/O VI Rule 17 read with Section 151 of CPC, seeking permission to amend the plaint with respect to measurement of the suit schedule property in the interest of justice and equity.

2. In the accompanying affidavit, the plaintiff has stated that at the time of filing of the suit, the suit property survey number was Sy.no.79/2A. After that the revenue authority clubbed the entire survey number as per M.R.No.T13/2023-2024, the Sy.No.79/2 is totally measuring 07 Acres 07 guntas. Therefore the survey number and total extent of the suit property is changed but the boundaries are not changed. Hence in para no.2A in first line, i.e., “R.S.No.79/2A measuring” is to be deleted and in its place “R.S.No.79/2 totally measuring 07 A- 07 Gs, out of this total extent” to be inserted. It is further stated that the proposed amendment is necessary for the proper and effective adjudication of the dispute between the parties. Hence, in this regard, amendment of plaint is very essential. If the amendment is allowed, there is no harm will be caused to the defendants. If not allowed, it will cause hardship to the plaintiff. The said amendment will not change the nature of the suit. The



documents in respect of the proposed amendment are furnished through I.A.No.X. Hence, prays to allow the applications in the interest of justice and equity.

3. Per contra, the defendant counsel has filed objections to the said application contending that the application is not maintainable in view of the proviso to Order VI Rule 17 of CPC, as it has been filed after commencement of trial. It is submitted that issues have already been framed based on the pleadings and evidence of both parties are finished, matter was posted for arguments. Allowing such amendment at this stage would prejudice the case of the defendants. This amendment will change the nature of the suit. Therefore, he prays to reject the application with exemplary costs.

4. The points that would arise for the consideration of this court are as follows:-

POINTS

1. Whether the applicant/plaintiff has made out sufficient grounds to allow I.A.No.X and XI at this stage?

2. What order?



5. The findings of this court on aforesaid points are as follows:-

Point No.1: In the Affirmative

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

:-REASONS:-

6. **Point No. 1:-** The plaintiff has filed the present suit against the defendants seeking for the relief of declaration and permanent injunction in respect of the suit property.

7. The plaintiff has filed the present application I.A.No.X U/O VII rule 14 read with Section 151 of CPC seeking to produce documents along with documents and I.A.No.XI U/O VI Rule 17 read with Section 151 of CPC, seeking permission to amend the plaint.

8. The Order 6 Rule 17 of the Civil Procedure Code is reads as under;

17. Amendment of pleadings. - The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced,



unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

9. On perusal of submissions of both parties and perused the material on record, the primary contention of the plaintiff is that the description of the suit property requires correction due to subsequent revenue proceedings, without altering the boundaries or the nature of the property in dispute. The amendment relates only to rectification of survey number and extent which is updated in revenue records. It does not introduce any new relief, nor does it alter the cause of action or change the nature of the suit.

10. It is true that the application has been filed after commencement of trial. However, the proviso to Order VI Rule 17 CPC does not absolutely bar amendments after commencement of trial. It restricts them unless the applicant shows due diligence, the matter could not be raised earlier. The plaintiff has explained that the change in survey number and extent occurred pursuant to M.R.No.T13/2023-2024, i.e., after filing of the suit. Therefore, the plaintiff could not have pleaded the amended



survey details earlier. The amendment appears to be bonafide and necessary for effective adjudication of the real dispute. If the amendment is refused, the plaint would contain incorrect property number which may lead to multiplicity of proceedings. On the other hand, no serious prejudice would be caused to the defendants, as the boundaries of the property remain unchanged and they will have an opportunity to file additional written statement, if they so desire.

11. This court has relied on the decision of Hon'ble Supreme Court of India, in Civil Appeal No.5909/2022 in W.P.No.201274/2022, reported in **2022 LiveLaw (SC) 729**, in the case of **LIFE INSURANCE CORPORATION OF INDIA versus SANJEEV BUILDERS PRIVATE LIMITED & ANR.** wherein the Hon'ble Apex Court has held that;

70. Our final conclusions may be summed up thus:

(i) Order II Rule 2 CPC operates as a bar against a subsequent suit if the requisite conditions for application thereof are satisfied and the field of amendment of pleadings falls far beyond its purview. The plea of amendment being barred under Order II Rule 2 CPC is, thus, misconceived and hence negated.



(ii) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order VI Rule 17 of the CPC.

(iii) The prayer for amendment is to be allowed

(i) if the amendment is required for effective and proper adjudication of the controversy between the parties, and

(ii) to avoid multiplicity of proceedings, provided

(a) the amendment does not result in injustice to the other side,

(b) by the amendment, the parties seeking amendment does not seek to withdraw any clear admission made by the party which confers a right on the other side and

(c) the amendment does not raise a time barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).

(iv) A prayer for amendment is generally required to be allowed unless

(i) by the amendment, a time barred claim is sought to be introduced, in which case the fact that the claim would be time barred becomes a relevant factor for consideration,

(ii) the amendment changes the nature of the suit,

(iii) the prayer for amendment is malafide, or

(iv) by the amendment, the other side loses a valid defence.

(v) In dealing with a prayer for amendment of pleadings, the court should avoid a



hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.

(vi) Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.

(vii) Where the amendment merely sought to introduce an additional or a new approach without introducing a time barred cause of action, the amendment is liable to be allowed even after expiry of limitation.

(viii) Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.

(ix) Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.

(x) Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, ordinarily the amendment is required to be allowed.

(xi) Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in



amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed.

(See Vijay Gupta v. Gagninder Kr. Gandhi & Ors., 2022 SCC OnLine Del 1897)

12. Further, this court has relied on the decision of Hon'ble Supreme Court of India, in CIVIL APPEAL NO...OF 2024 (Arising out of Special Leave Petition (Civil) No.30324/2019) DINESH GOYAL @ PAPPU V/s SUMAN AGARWAL (BINDAL) & ORS., reported in 2024 INSC 726, the Hon'ble Apex Court relied on the above said decision and observed that

“11.2 Over the years, through numerous judicial precedents certain factors have been outlined for the application of Order VI Rule 17.

Recently, this Court in Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd. & Anr.7 , after considering numerous precedents in regard to the amendment of pleadings, culled out certain principles:-



(i) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order VI Rule 17 of the CPC.

(ii) In the following scenario such applications should be ordinarily allowed if the amendment is for effective and proper adjudication of the controversy between the parties to avoid multiplicity of proceedings, provided it does not result in injustice to the other side.

(iii) Amendments, while generally should be allowed, the same should be disallowed if –

(a) By the amendment, the parties seeking amendment does not seek to withdraw any clear admission made by the party which confers a right on the other side.

(b) The amendment does not raise a time-barred claim, resulting in the divesting of the other side of a valuable accrued right (in certain situations)

(c) The amendment completely changes the nature of the suit;

(d) The prayer for amendment is malafide,

(e) By the amendment, the other side should not lose a valid defence.

(iv) Some general principles to be kept in mind are –

(I) The court should avoid a hyper-technical approach; ordinarily be liberal, especially when the opposite party can be compensated by costs.

(II) Amendment may be justifiably allowed where it is intended to rectify the absence of material



particulars in the plaint or introduce an additional or a new approach.

(III) The amendment should not change the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint.”

13. The Hon’ble Apex Court laid down broad and liberal principles governing amendment of pleadings. It has been held that amendments which are necessary for proper adjudication, and which do not prejudice the other side, must ordinarily be allowed, even post-trial commencement, especially if the error is rectifiable and compensable by costs and the court should avoid a hyper-technical approach and be liberal while allowing amendments that help the court determine the real controversy, provided no injustice is caused to the other side.

14. In the present case, this Court finds that the proposed amendment will not change the nature of the suit nor do they introduce any new facts. The amendment relates only to rectification of survey number and extent with updated revenue records. It does not introduce any new relief or change the nature of the suit. Therefore, this Court is of the opinion, to avoid multiplicity of proceedings and to enable effective



adjudication, the present application is deserves to be allowed with compensatory costs. As the amendment is allowed, the documents produced along with I.A.No.X in support of the amendment also deserve to be taken on record. Accordingly, this Court has answered ***point No.1 in the Affirmative.***

15. POINT NO.2:- For the foregoing reasons, I proceed to pass the following;

ORDER

I.A.No.X U/O VII rule 14 read with Section 151 of CPC and I.A.No.XI U/O VI Rule 17 read with Section 151 of CPC by the plaintiff are hereby allowed on cost of Rs.300/- each.

(Dictated to the stenographer on computer, corrected, signed and then pronounced by me in the Open Court on this the 20th day of November 2025)

(Srinivasa S.N)
Civil Judge & JMFC.,
Savanur