



IN THE COURT OF THE CIVIL JUDGE AND JMFC, SEDAM

Present: Sri.Balu,
B.A., LL.B.,
Civil Judge & JMFC., Sedam

Dated this the 04th day of September-2025

O.S.No.30/2015

- Plaintiffs NO.:** 1. Devaki W/o Suresh Hosmani,
Age: 18 years, Occ: Agriculture,
R/o. Benakahalli, Taluka: Sedam,
Dist: Kalaburagi.
2. Devindrappa S/o Suresh Hosmani,
Age: 18 Years, Occ: Agriculture,
R/o Benakahalli, Tq: Sedam,
Dist: Kalaburagi.
3. Pooja D/o Suresh Hosmani,
Age: 15 Years, Occ: Agriculture,
R/o Benakahalli, Tq: Sedam,
Dist: Kalaburagi.
4. Manikeshwari D/o Suresh Hosmani,
Age: 13 Years, Occ: Agriculture,
R/o Benakahalli, Tq: Sedam,
Dist: Kalaburagi.

**(Plt. 1 by Sri.P.G.C.,Advocate)
(Plt. 2 to 4 by Sri. N.R. Adv.)**

-V/s-

- Defendants :** 1. Chandram S/o Durgappa Hosmani,
Age: 75 years, Occ: Agriculture,



R/o Benakahalli, Taluk: Sedam,
District:Kalaburagi,
Since died Lrs. Already on record.

2. Rameshwar Singh S/o Karam Singh,
Age: 48 Years, Occ: Agriculture,
R/o Kabra Patwar Balka-Kabra,
Tehasil Beawar, Dist: Ajmer,
State: Rajasthan.
3. Smt. Basamma W/o Sharnappa,
Age: 40 Years, Occ: Household,
R/o Rojalli, Tq: Chittapur, Dist: Kalburgi.
4. Nagamma W/o Marsh,
Age; 35 Years, Occ: Household,
R/o Benakanahalli, Tq: Sedam, Dist:
Kalaburagi.
5. Mallikarjun S/o Chandram,
Age: 30 Years, Occ: Agriculture,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi Since died by Lrs.
- 5a. Girijamma W/o Mallikarjun,
Age: About 30 Years, Occ: Agriculture,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi.
- 5b. Suresh S/o Mallikarjun,
Age: About 6 Years Minor,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi through next friend natural
mother Girijamma W/o Mallikarjun,
Age: About 30 Years, Occ: Agriculture,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi.



- 5c. Sudeep W/o Mallikarjun,
Age: About 3 Years Minor,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi through next friend
natural mother Girijamma W/o Mallikarjun,
Age: About 30 Years, Occ: Agriculture,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi.
6. Nirmala W/o Yallaling,
Age: 32 Years, Occ: Household,
R/o Hattikuni, Tq: & Dist: Yadgir,
7. Shivamma W/o Chandram,
Age: 55 Years, Occ: Household,
R/o Benakanahalli, Tq: Sedam,
Dist: Kalaburagi.

**(D-1, 3 to 7, 5(a to c) by Sri. B.S.S. Adv.),
(D-2 M.V.A. Adv.)
(Prop. D-8 and 9 Absent)**

ORDERS ON IA. U/o 6 RULE 17 OF CPC

The plaintiff has filed I.A. No.16 U/o 6 Rule 17 of CPC for amendment of plaint as per the proposed amendment as under,

PROPOSED AMENDMENT

(i). In cause title Name of Plaintiff No.3 be amended as under:-

“ Pooja D/o Suresh Hosmani, Age: 15 Years, Occ: Agriculture, R/o Benakahalli, Tq: Sedam, Dist: Kalaburagi now attained majority”



(ii) In cause title name of Plaintiff No.4 be amended as under,

“Manikeshwari D/o Suresh Hosmani, Age: 13 Years, Occ: Agriculture, R/o Benakahalli, Tq: Sedam, Dist: Kalaburagi through next friend natural brother Devindrappa S/o Suresh Hosmani, Age: 18 Years, Occ: Agriculture, R/o Benakahalli, Tq: Sedam, Dist: Kalaburagi.

(iii) In para 3 in the ends following be inserted,

Suresh Hosmani had got a son Plaintiff No.2 and two daughters Plaintiff No.3 and 4 daughters through Plaintiff No.1. Plaintiffs No.3 was minor when she got impleaded into this suit now attained majority. Plaintiff No.4 is still minor. The Plaintiff No.2 had no adverse interest to that of plaintiff No.3 and 4 and therefore he was and is fit to act as their next friend.

2. In the annexed affidavit, plaintiff No.1 is contended that, plaintiff No.3 is now major. Plaintiff No.3 and 4 filed application through her due to oversight vakalat is not filed and cause title of the suit next friend is not shown in amended plaint. Further it is contended that, in the application for impleading Plaintiff No.3 and 4 it is mentioned as next friend natural mother Plaintiff No.2. No vakalat is filed on our behalf due to over sight. Therefore amendment to the plaint is required as per the proposed amendment. The suit was Defective and therefore had sought for withdrawal and but the Hon'ble court be pleased to reject the



same. In order to protect the interest of the minors now filed application for transposing the plaintiff No.1 as Defendant No.10. Further it is contended that, the Hon'ble court be pleased to permit the plaintiff to amend the plaint as per proposed amendment. The proposed amendment is procedural and the same is necessary to decide the case on merit. No prejudice will be caused to the other side. Therefore the plaintiff No.2 to 4 be permitted to amend the plaint as per proposed amendment in the ends of justice. Hence, prayed to allow the application.

3. On the other hand, the counsel for defendant has filed the objections that, application filed by the plaintiff is not maintainable in the eye of law. That, in the above case, plaintiff No.1 already examined as a PW.1 and marked the documents and also council of defendants fully cross examined to her and plaintiff side evidence is closed at this stage petition is not maintainable in eye of law. Intentionally plaintiff filed this petition only harass the defendants and dragon the matter. Further it is stated that, plaintiff has not shown any proper reasons to allow the IA. It is further submitted that, plaintiff has filed petition U/o VI rule 17 of CPC so many times and Hon'ble court impose cost and allowed the petitions plaintiff has filed present petition only for harass the defendants and dragon the matter. Further it is stated that, the Hon'ble court if allow the IA the nature of the suit



is likely to be changed, hence Hon'ble court may reject the IA filed by the plaintiff.

4. Heard arguments on both sides.
5. The points that arise for my consideration are:-
 1. Whether the plaintiff has made out grounds to amend the plaint?
 2. What order?
6. My answer to the above points are:-

Point No.1: In the Affirmative

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

REASONS

7. **POINT NO.1:-** It is the contention of the plaintiff No.1 that, plaintiff No.3 is now major. Plaintiff No.3 and 4 filed application through her due to oversight vakalat is not filed and cause title of the suit next friend is not shown in amended plaint. Further it is contended that, in the application for impleading Plaintiff No.3 and 4 it is mentioned as next friend natural mother Plaintiff No.2. No vakalat is filed on our behalf due to over sight. Therefore amendment to the plaint is required as per the proposed amendment. The suit was Defective and therefore had sought for withdrawal and but the Hon'ble court be pleased to



reject the same. In order to protect the interest of the minors now filed application for transposing the plaintiff No.1 as Defendant No.10. Further it is contended that, the Hon'ble court be pleased to permit the plaintiff to amend the plaint as per proposed amendment. The proposed amendment is procedural and the same is necessary to decide the case on merit. No prejudice will be caused to the other side. Therefore the plaintiff No.2 to 4 be permitted to amend the plaint as per proposed amendment in the ends of justice. Hence, prayed to allow the application.

8. I have perused the materials available on record, on perusal it reveals that the plaintiff has filed the present suit for the relief of partition and separate possession and declaration against the defendants. Now the plaintiff wanted to enter the age of plaintiff No.3 and 4 as major since they have attained majority. If the present application is effected on that ground only then it will lead to multiplicity of proceedings.

9. The main object of **Order 6 Rule 17 of CPC** is to allow either party to alter or amend his pleadings in such manner and on such terms as may be just. The power to allow the amendment is wide and can be exercised at any stage of the proceedings in the interests of justice on the basis of guideline laid down by various High courts. It is true that the amendment cannot be clawed as a matter of right and under all circumstances, but it is equally true



that the Courts while deciding such prayers should not adopt hyper technical approach. Liberal approach should be the general rule particularly in cases where the other side can be compensated with the costs. Technicalities of law should not be permitted to hamper the Courts in the administration of justice between the parties. The present application is filed after commencement of trial and the defendants are at liberty to file additional written statement to the amended plaint. Amendments are allowed in the pleadings to avoid uncalled for multiplicity of litigation. In order to put an end to litigation it is just and necessary to allow I.A. Hence, by imposing cost, if the present application is allowed no loss will be caused to the defendants or else it will lead to multiplicity of proceedings. Hence, I answer point No.1 in the affirmative.

10. **POINT NO.2:-** In view of my findings on Point No.1, I proceed to pass the following:-

ORDER

I.A. No.16 filed by the plaintiff U/o 6
Rule 17 of CPC is hereby allowed on cost of
Rs.500/-.

For amendment and amended plaint.



Call on 08.09.2025.

(Dictated to the stenographer transcribed by her corrected and then pronounced by me in the open court on **this the 04th day of September-2025**).

**Sd/-
(Balu)
Civil Judge & JMFC.,
Sedam.**
