



**IN THE COURT OF THE CIVIL JUDGE & JMFC, AT
KUSHALANGAR**

: PRESENT :

**SMT. CHAITHRA L, BBM. LLB.,
Civil Judge & J.M.F.C.,
KUSHALNAGAR.**

DATED THIS THE 30TH DAY OF JUNE 2026

FDP./1/2025

Petitioners :- K.K . Monnappa

(By Sri. PKG.- Adv.,)

-V/s-

Respondents :- Aravind Prakash and others

**(R-3 -6 In persons, R-2, 4, and 5
Exparte and R-1 absent.)**

I.A. No.II

K.K Monnappa

Petitioner/ Applicant

-V/s-

Aravind Prakash and others

Opponents/ Respondents.



ORDERS ON I.A.No.I I

The petitioner has filed the present application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking permission to amend the final decree petition by incorporating the proposed pleadings.

Proposed Amendment :

2. To add as para 4 of the petition. 1. In the compromise decree in the suit, the settlement of shares of joint family properties of between parties to that suit which took place before panchas is the part and parcel of decree dated 18.6.2001. In which the entire items No.1 and 2 of petition schedule property(suit schedule property in O.S. No. 113/2001) is given to the share of petitioner K.K Monnappa and the other sharers K.K. Poovaiah and K.K Somaiah have received cash in lieu of their share in immoveable properties. Out of item No.3 of petition schedule property half area that is 0.93 acre out of 1.86 acre in Sy.No. 10/29 in Kula No. 114 of Nanjarayapatna Village has to be surveyed and demarcated and to allot half each share to the petitioner and respondent No.3 as per preliminary decree.



3. In the affidavit filed in support of the application, the petitioner has stated that he is well acquainted with the facts of the case and has instituted the present final decree proceedings pursuant to the decree dated 18.06.2001 passed in O.S. No.113/1999 by the Court of the Additional Civil Judge, Madikeri. It is contended that, due to inadvertence, the petition did not contain the necessary factual particulars explaining the manner in which the final decree is to be worked out. According to the petitioner, the proposed amendment is intended only to furnish the requisite particulars for effective implementation of the preliminary decree and to remove the omission in the pleadings. It is further contended that the amendment is necessary for complete adjudication of the matter, does not alter the nature or character of the proceedings, and would not cause any prejudice to the respondents. On the contrary, refusal of the amendment would result in serious hardship to the petitioner.

4. The respondents have not filed any objections opposing the application.

5. Heard the learned counsel appearing for the petitioner. Perused the application, the affidavit filed in support thereof and the material available on record.



6. On the basis of the pleadings and submissions, the following points arise for consideration:

1. Whether the petitioner has made out sufficient grounds to permit amendment of the petition under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure?

2. What order?

7. The findings on the above points are as follows:

Point No.1: In the Affirmative.

Point No.2: As per the final order,

for the following:

::REASONS::

8. Point No.1 : The present application has been filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking amendment of the final decree petition by incorporating certain factual averments relating to the compromise decree dated 18.06.2001 and the manner in which the properties are to be divided in the final decree proceedings. The petitioner has explained that the proposed pleadings were



omitted due to inadvertence and that the amendment has become necessary for proper and effective implementation of the preliminary decree.

9. The proposed amendment is intended to furnish the particulars regarding the allotment of the schedule properties under the compromise decree and the survey and demarcation required in respect of Item No.3 of the petition schedule property. The amendment neither introduces a new cause of action nor seeks to alter the nature and character of the final decree proceedings. It is only explanatory in nature and intended to facilitate the effective working out of the rights already declared under the preliminary decree.

10. It is pertinent to note that the respondents, have not chosen to file any objections opposing the proposed amendment. Thus, the averments made in the application and the affidavit remain uncontroverted. No material is placed before the Court to show that the proposed amendment would prejudice the rights of the respondents or take away any vested right accrued in their favour.

11. The object of Order VI Rule 17 of the Code is to enable the Court to determine the real questions in controversy between



the parties and to avoid multiplicity of proceedings. Amendments which are necessary for determining the real controversy and which do not cause injustice or irreparable prejudice to the opposite party should ordinarily be allowed. Since the proposed amendment is necessary for effective adjudication of the final decree proceedings and for proper implementation of the preliminary decree, this Court is of the considered opinion that the petitioner has made out sufficient grounds for allowing the application. **Accordingly, Point No.1 is answered in the Affirmative.**

12. Point No.2: In view of the findings recorded on Point No.1, this Court proceeds to pass the following:

ORDER

The application filed by the petitioner under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure is hereby allowed.

The petitioner is permitted to carry out the proposed amendment in the final decree petition in terms of the amendment application.

The amended petition shall be filed within seven days from the date of this order after incorporating the proposed amendment.

KAKD200004702025



No order as to costs.

(Dictated to the Stenographer, transcribed by her, corrected and signed by me and then pronounced in open court on 30th day of June 2026)

sD/XXX

(Chaithra L)
Civil Judge & J.M.F.C
Kushalanga.