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KAKL200021212021



**IN THE COURT OF THE PRL., CIVIL JUDGE AND JMFC AT
BANGARPET**

PRESENT:

SMT. SUKEETA S. HADLI,

B.B.A.,LL.B.,(Hons)

PRL., CIVIL JUDGE & JMFC., BANGARPET.

D.V.A. NO. 06/2021

DATED THIS THE 10TH DAY OF JUNE 2026

PETITIONER : **Shwetha. N.,**

(Rep. by Sri.**B.C.P.**, Advocate)

-V/S-

RESPONDENT : **Venkatesh. L.,**

(Rep. by Sri.**K.V.A.**, Advocate)

PARTIES TO I.A.NO. III

Applicant : **Shwetha. N.,**

-V/S-

Opponent : **Venkatesh. L.,**

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i.	Provision under which the application is filed	U/o 6 Rule 17 r/w Sec. 151 of CPC
ii.	Relief sought for	Amendment of petition
iii.	The date on which the application is filed	02.06.2022
iv.	Number of the application	I.A. No.III
v.	The date on which the objection is filed by different opponents	29.10.2022
vi.	The date on which the order were passed on the said application	10.06.2026

ORDER ON I.A. No.3 FILED UNDER ORDER VI RULE 17

R/W SECTION 151 CPC

The present application is filed by the petitioner under Order VI Rule 17 read with Section 151 of CPC seeking amendment of the pleadings in the main petition.

2. In the affidavit accompanying the application it is stated that, petitioner has instituted the above petition under the provisions of the Protection of Women from Domestic Violence Act seeking various reliefs.

3. It is averred that she is the wife of late L. Shivaraja and that her husband died on 04.12.2020. It is further stated that consequent upon the death of her husband, the respondent L. Venkatesh, being the elder brother of late Shivaraja, has been maintaining the family and both late Shivaraja and respondent Venkatesh are sons of late Lakshmaiah.

4. The petitioner submits that certain inadvertent mistakes have crept into the pleadings in the main petition. Therefore, she seeks amendment of paragraph No.2 of the petition by deleting the statement that the petitioner is the legally wedded wife of respondent No.1 and by substituting the same with the statement that she is the legally wedded wife of late L. Shivaraja, son of late Lakshmaiah.

5. The petitioner further seeks incorporation of an averment that respondent Venkatesh is the elder brother of late Shivaraja and is the Kartha of the Hindu Undivided Family. She also seeks consequential correction in paragraph No.4 by deleting the words "Respondent" and substituting the same

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with the words “Late L. Shivaraja”.

6. Further, in paragraph No.5, she seeks deletion of the existing averments and insertion of the statement that respondent Venkatesh, son of late Lakshmaiah, started causing cruelty and harassment to the petitioner after the death of late Shivaraja.

7. According to the petitioner, the proposed amendments are necessary for proper adjudication of the dispute and for determining the real controversy involved between the parties. It is contended that no prejudice would be caused to the respondent if the amendments are allowed.

8. The respondent has filed detailed objections opposing the application. The respondent contends that the application is not maintainable either on facts or in law and is liable to be dismissed.

9. It is specifically contended that the allegations made by the petitioner regarding existence of a Hindu Undivided Joint Family are false. The respondent admits that late Shivaraja died

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on 04.12.2020 but denies that he is maintaining the family as alleged by the petitioner.

10. The respondent further contends that the petitioner has falsely stated that both late Shivaraja and respondent Venkatesh are members of a Hindu Undivided Joint Family. According to him, late Shivaraja was the son born through the second wife of late Lakshmaiah and the parties were living separately.

11. It is further contended that the respondent is neither the Kartha of any Hindu Undivided Family nor was there any such joint family in existence. The respondent submits that the proposed amendments are founded upon false facts and are intended only to harass him. On these grounds, the respondent prays for dismissal of the application with exemplary costs.

12. Heard the learned counsel for the petitioner and the learned counsel for the respondent. Perused the application, affidavit and objections filed thereto.

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13. The following points arise for determination:-

1. Whether the petitioner has made out sufficient grounds for allowing the amendment sought under Order VI Rule 17 CPC?
2. Whether the proposed amendment is necessary for determining the real controversy between the parties?
3. What order?

14. My findings to the above points for consideration are as follows:

Point No.1	:	In the Affirmative
Point No.2	:	In the Affirmative
Point No.3	:	As per final order for the following;

REASONS

15. Point Nos.1 & 2:- Since both the points are interconnected, they are taken up together for common discussion.

16. The application in hand came to be filed when the case was posted for enquiry and hearing on I.A No.1.

17. The present application is filed under Order VI Rule 17 CPC seeking amendment of certain pleadings in the main petition. The law relating to amendment of pleadings is well settled. The object of Order VI Rule 17 CPC is to enable the Court to determine the real questions in controversy between the parties and to avoid multiplicity of proceedings.

18. A perusal of the proposed amendments discloses that the petitioner seeks correction of the relationship described in the main petition and seeks consequential amendments relating to the status of the parties and the allegations of domestic violence.

19. The proposed amendments do not introduce any new cause of action. They also do not change the fundamental nature and character of the proceedings. The petitioner only seeks to clarify that she is the wife of late Shivaraja and not the wife of the respondent. The amendments further seek to elaborate the relationship between the parties and the circumstances under which the respondent is alleged to have committed acts complained of by the petitioner.

20. At this stage, the Court is not expected to adjudicate upon the truthfulness or otherwise of the proposed pleadings. The correctness of the averments sought to be incorporated is a matter for trial and evidence. While considering an application for amendment, the Court is primarily concerned with the necessity and relevance of the proposed amendment and not with the ultimate merits of the claim.

21. The objections raised by the respondent that there is no Hindu Undivided Family, that he is not the Kartha, and that the allegations are false, are all matters which can be effectively adjudicated during the enquiry on the basis of evidence to be adduced by both parties. Such disputed questions cannot be conclusively decided while considering an application under Order VI Rule 17 CPC.

22. The records further disclose that the application has been filed when the matter was posted for enquiry and hearing on I.A. No.1. The proceedings have not reached the stage of recording of evidence. Therefore, the proposed amendment cannot be said to be belated so as to attract the rigour of the

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proviso to Order VI Rule 17 CPC.

23. Further, no irreparable prejudice would be caused to the respondent if the amendment is allowed. The respondent would have sufficient opportunity to file additional objections, if any, and to contest the amended pleadings on merits.

24. The proposed amendment appears to be necessary for complete and effective adjudication of the issues arising between the parties. Refusal of the amendment may result in multiplicity of proceedings and may prevent the Court from effectively determining the real controversy involved in the case. Therefore, this Court is of the considered opinion that the petitioner has shown sufficient cause for allowing the application. **Accordingly, Point Nos.1 and 2 are answered in the Affirmative.**

25. POINT NO.3 : Based upon the observation made herein above I proceed to pass the following:

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ORDER

The I.A No.3 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 amendments in the main petition in terms of the amendment application.

The respondent is at liberty to file additional objections, if any, to the amended pleadings.

No order as to costs.

(Dictated to the **Stenographer**, typed by her on computer and corrected by me, then pronounced in the open Court on this day **10th day of June 2026**)

**Prl. Civil Judge and J.M.F.C.,
Bangarpet.**