

KAKL300000532007



IN THE COURT OF SENIOR CIVIL JUDGE & JMFC, AT:
MALUR

Dated this the 31st day of January 2026

Present:

Sri. Dayanand.M.Belure

B.A., L.L.B.

(Spl)

Senior Civil Judge & JMFC Malur.

O.S.No.273/2011

PETITIONER : Sri. Sridhar Rao

V/s

RESPONDENT : Sri. N.L.Narayanarao and others

CAUSE TITLE ON IA NO.L

APPLICANT : Smt. Sreelatha

V/s

RESPONDENT : Sri. Sridhar Rao

Order on I.A L filed by defendant No.9 U/o

6 Rule 17 R/W Sec. 151 of CPC.,

The defendant No.9 has filed above application Under Order 6 Rule 17 R/W Sec. 151 of CPC., seeking permission to amend the written statement by allowing the application.

2. It is contended in the annexed affidavit, her father was filed his written statement on that written statement clearly states that the plaintiff had sold Sy No.34, Sy No.102, and Sy No.37 by way of Register sale deed dated 23.7.1982, 13.02.1992, 8.04.1994, 5.5.1994 and elicited in his cross examination and he admitted the sale deed executed by him to some 3rd parties after he was admitted sale deed recital about his share had sold, it is very clear he derived his share with 1st defendant as 2nd suit for partition is not maintainable, her father at the time of filing written statement though he pleaded about sale deeds executed by plaintiff to some 3rd parties as regarding maintainability of suit is not taking and the 2nd suit for partition not maintainable. This amendment is very much necessary to decide the case. On these grounds prays to allow the application.

3. On the other hand plaintiff has filed objections to the above application and contended that the plaintiff has led his evidence and his witnesses long back and the counsel of defendant No.1 has cross examined the plaintiff lengthily and now when the case has been posted for defendants arguments and after obtaining several adjournments the defendant No.9 has come up with this

frivolous application with false and irrelevant facts, only in order to mislead this Hon'ble court and to protract the proceedings and see that the matter is not disposed as early. The application filed by the defendant No.9 on the basis of evidence of plaintiff does not survive for consideration and the application has been in order to protract the proceedings. The plaintiff submits that the defendant has intentionally and deliberately filed this application without bonafide reasons to protract the proceedings and to harass the plaintiff from getting his legitimate share in suit schedule properties. If the application is allowed the plaintiff will be put to great hardship and loss per contra if the application is rejected no hardship will be caused to the defendant. On these grounds prays to reject the application.

4. Based on the above pleadings following points would arise for my consideration;

POINTS

1. Whether the defendant No.9 has made out sufficient grounds to allow amend the written statement?

2. What order?

5. On going through the pleadings and documents on record. Having heard the arguments on both side, my answer to the above points as follows:

Point No.1 : In the Negative

Point No.2 : As per final order

for the following;

:: REASONS ::

Point No.1 :-

6. The plaintiff has filed this suit for the relief of partition and separate possession and such other reliefs. After framing issues and additional issues both parties adduced their evidence and when the matter is posted for address arguments on defendant side. The defendant No.9 filed instant application permit her to amend written statement of her father i.e., defendant No.1. On the other hand plaintiff resisted the above application on the ground that the written statement filed by the 1st defendant cannot be amended by his daughter i.e., defendant No.9 and it is also contended that plaintiff has clearly stated in his evidence sale deeds have been created by the defendant No.1 taking undue advantage of plaintiff

illiteracy burden is on the defendant No.1 to prove the contention as already partition was taken place in the family. The proposed amendment is not at all required to adjudicate the matter in dispute.

7. It is undisputed fact that already evidence have been completed on both sides by taking the admissions of plaintiff in his cross examination the defendant No.9 is going to amend the written statement filed by her father i.e., defendant No.1 which is not permissible in the law. Because the defendant No.8 and 9 already filed their memo dated 07.11.2013 adopting the written statement filed by their father 1st defendant. The amendment sought in the application is not required to adjudicate the matter in controversy. At this stage defendant No.9 has not made out any grounds to allow the IA No.50. Hence, I answer

Point No. 1 in the Negative.

Point No.2:

8. For the foregoing reasons I proceed to pass the following;

ORDER

IA No.50 filed by the defendant No.9

Under Order 6 Rule 17 R/W Sec. 151 of
CPC., is hereby rejected.

No order as to cost.

(Dictated to stenographer, transcribed and computerized by her, revised, corrected and then pronounced by me in the open court, on this the 31.01.2026)

Sd/-
(DAYANAND.M.BELURE)
Senior Civil Judge Malur.