



IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.,
AT : K.G.F

Present:

Smt. Shemida.K, B.A.(Law), LL.B.,
Prl. Civil Judge and J.M.F.C,
K.G.F.

HRC No.01/2023

Dated this the 23rd day of July, 2026

Petitioner: **Smt. Amala,**
W/o Francis. R.,
Aged about 73 years,
R/at No.294 A Lane,
Anjappa Garden, Chamarajpet,
Bengaluru South.

(Rep. by Sri.N.Sreenath Adv.,)

V/s

Respondent : **Sri.Vasudevan,**
S/o Late Selvam,
aged about 64 years,
R/at No.256, 2nd Block,
Opp: CPM Party office Andersonpet,
K.G.F.

(Rep. by Sri. K.Sundar Rama Reddy Adv.,)

IA No.13

APPLICANT : **Sri.Vasudevan,**
(Respondent)

V/s

OPPONENT : **Smt. Amala,**
(Petitioner)

i. Provision under which the application is filed	Under Order 6 Rule 17 R/w Sec.151 of CPC filed by respondent
ii. Relief sought for	To amend the objection
iii. The date on which the application is filed	19.06.2026
iv. Number of the application	IA No.13
v. The date on which the objections are filed by different opponents	03.07.2026
vi. The date on which the orders were passed on the said application	23.07.2026

ORDERS ON I.A.No.13

The present application was filed by the respondent under Order 6 Rule 17 r/w Sec151 of CPC for seeking permission to amend the objection by additional para No.11(a) in the objection, in the interest of justice and equity.

2. In the sworn affidavit the respondent has stated that while filing the objections from his side he has left out mentioning the title of him over the petition schedule property and regarding obtain of petition schedule property from his father. Further intend to say regarding existence of khata over the said property and he having counter-claim property that petition schedule property belongs to him and it is not belongs to petitioner at any point of time. Further he intend to say regarding silence of petitioner from past 20 years and there is no jural relationship between herself and petitioner at any

point of time. Further stated that there is no rental agreement between them, hence proposed amendment in the objection is very much required to show that the said property not belongs to petitioner. Further stated that said property acquired by her father through Sanitary Board on 06.09.1969 and they have issued Hakku Pathra in favour of her father and later it was transferred to her and khata was changed by CMC K.G.F. in her name. Further the proposed amendment is allowed and the averments made out in the annexed application is included in his objections no hardship nor any loss would be caused to the other side. Further she has good case on merits and petitioner is not having any claim over the said property and she intend to snatch away the property of respondent. Hence on all these grounds it is prayed to allow the application.

3. On the other hand, the petitioner has filed objection wherein it is contended that, the present application is not maintainable either in law or on facts and denied each and every averments. Further contended that there is no bonafide a ground in allowing the present application and the respondent clearly admits their relationship i.e., Tenant and Landlord in the earlier proceedings. Now the respondent having no right to take inconsistent stand at the stage of arguments that he has acquired the schedule property by way of grant. Further already respondent has examined and the proposed amendment can't be allowed at this stage. Further the respondent to overcome the lacunas he intend to delete

the word. Further the present application is filed with oblique motive to withdraw the admissions. Hence prays to reject the application.

4. Heard both the sides and perused the documents on records.

5. Now the points that arise for my consideration are:

1) Whether the respondent has made out grounds to allow IA No.13 with respect of proposed amendment, at this stage as prayed for?

2) What order?

6. My findings on the above points are as under:

Point No.1 : In the Affirmative,

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

: REASONS :

7. **POINT No.1:-** Perused the entire records, instant application with affidavit and objections filed by the party and also arguments canvassed by the learned advocates for the parties. Admittedly the petitioner has filed the present suit for the relief of Eviction of respondent from petition schedule property. When the matter was stood for arguments on merits, the present application was filed by the respondent and same was opposed by the petitioner.

8. The record shows that the present petition was filed by the petitioner in the year 2023 and respondent has appeared through his advocate and filed objection. Meantime petitioner

led is evidence and documents also marked and the counsel for respondent fully cross examined PW1. Later the petitioner examined independent witness as PW2 and he was fully cross examined by the counsel for respondent . Later respondent also led his evidence and documents also marked and he was fully cross examined by the counsel for petitioner. Later PW1 further examined and additional documents marked and counsel for respondent fully cross examined PW1 with respect of additional documents. After concluding both the sides evidences the matter posted for arguments. Meantime present application was filed.

9. Further it is to be noted that the counsel for respondent has filed the present application under Order 6 Rule 17 of CPC which deals about amendment of pleadings. The said provision reads as follows:

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.

The scope of said provision states that, 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. Further the primary duty of the Court to decide whether such amendment is necessary to decide the real dispute between the parties or not. Only if such condition is fulfilled, the amendment is to be allowed. Further the proviso restricts the power of the Court and puts an embargo on the exercise of its jurisdiction. Further the Courts jurisdiction is now limited. Unless there is jurisdictional fact in any amendment, the Court will have no jurisdiction to allow the amendment to the plaint. In this case as stated supra the evidences of both the sides concluded.

10. Further the respondent also filed the said application under Sec.151 of CPC which deals about saving of inherent powers of the Court which reads as follows: *“Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice, or to prevent abuse of the process of the Court”*. The above said section clearly shows the discretionary power of the Court to pass appropriate order in the interest of justice if there is no provision in the CPC.

11. Further the Hon'ble Apex Court in ***Revajeetu Builders and Developers V/s Narayanaswamy and sons and others, reported in (2009) 10 Supreme Court Cases 84*** has summed up the factors to be taken into consideration while dealing with applications for amendments, as under:

i) whether imperative the for amendment proper adjudication of the case, sought is and effective

ii) whether the application for amendment is bona fide or a mala fide.

iii) the amendment should not cause such prejudice to the other side which cannot be compensated adequately in terms of money.

iv) refusing amendment would in fact lead to injustice or lead to multiple litigation.

v) whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case; and

vi) as a general rule, the Court should decline amendments if a fresh suit on the amended claims would be barred by limitation on the date of application.

The above decisions clearly shows that an application under Order 6 Rule 17 calls for serious judicial exercise and it should never be undertaken in a casual manner.

12. In the application is the say of the respondent is that he intend to add proposed para No.11(a) wherein he intend to say regarding acquisition of petition schedule property by his father and existence of khata number in his name. Further the proposed amendment is very much required to establish his contention. Per contra the objection raised by the petitioner is that the respondent intend to over come from the earlier admissions which is not maintainable and he has filed the present application with oblique motive.

13. On this background I have perused the record. In this case the respondent fully denying his relationship with the

petitioner and claiming his right over petition schedule property by contending that the petitioner is not having any right over it. The proposed amendment shows the additional defence of the respondent with respect of issuance of Hakku patra by Sanitary board in favour of respondent. Since it is HRC proceedings the relationship between landlord and tenant and valid termination of tenancy are important criteria. Already the respondent led his evidence and documents also marked. In support of earlier defences he intend to add additional para which can be considered as the petitioner getting opportunity to file rejoinder for it.

14. Further it is true that the respondent is not vigilant at the initial stage while filing his objection, but on the said reason the present application can't be rejected as it will leads to hardship to the respondent. By considering the nature of petition it is appropriate to consider the request of the respondent. Hence after going through the reasons assigned by the applicant/ respondent, I am of the view that respondent has shown sufficient grounds to allow the present application. If the application is allowed, no harm or injustice will be caused to the petitioner in any way. Hence I answer **Point No.1 in the Affirmative.**

15. Point No.2: As per my discussion over Point No.1, I proceed to pass the following:

ORDER

The application filed by the respondent under Order 6 Rule 17 R/w Sec.151 of CPC as IA.No.13 is hereby allowed on cost of Rs.500/-.

The respondent is permitted to amend the objection as sought for.

(Dictated to the Stenographer directly on computer and revised and corrected by me then pronounced in the open court, this the 23rd day of July, 2026)

**Sd/-
(SHEMIDA.K)
Prl. Civil Judge & JMFC
KGF.**