

**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND
JMFC, MADDUR.**

Present: Smt. Parvathi C.M.BA.L., LL.B.
I Addl Civil Judge & JMFC,
Maddur.

Dated this the 10th day of December 2025

OS No.162/2019

Plaintiff/s : A.N.Chandrashekarappa,
-V/s-

Defendant/s : Pandith Nanjundaiah and others,

PARTIES IN I.A

Applicant/s : A.N.Chandrashekarappa,
-V/s-

Respondent/s : Pandith Nanjundaiah and others,

ORDERS ON I.A

The plaintiff has filed the application under Order 6 Rule 17 r/w Section 151 of CPC along with affidavit for seeking permission to amend the plaint as prayed in the application.

2. The defendants have filed objection and denied the all averments on application filed by the plaintiff.

3. Heard and perused the materials on record.

4. Based on the above rival contentions of the parties, the following points arose for consideration of the court:

1. *Whether the plaintiff has made out sufficient reason to allow the application ?*
2. *What Order?*

5. On considering of the facts and circumstances of the case and materials on record, this court proceeds to answer the aforesaid points as hereunder:

- Point No. 1 : In the affirmative;
Point No. 2 : As per the final order
for the following;

REASON

6. **Point No.1:-** In order to proving of Point No.1, the counsel for plaintiff has submitted his argument in regarding to his application. On the basis of submission made by the plaintiff, I have carefully perused the application filed by the plaintiff it is appears that, the plaintiff has filed this application for seeking permission to amend the plaint as prayed in the application. They were submits in their affidavit that, the plaintiff has filed the present suit against the defendants for seeking the relief of partition and separate possession. The proposed amendment does not take away any right of the defendant/ plaintiff in the counter claim as no such rights have been accrued to the defendants. Further the proposed amendment does not alter the nature of the suit or cause of action.

7. I have carefully perused the objection filed by the defendants it is appears that, the I.A. in question lacks both bonafides and merits. No reasons are forthcoming in the supporting affidavit for seeking such a lengthy amendment at this stage of the suit and prays to reject application.

8. On perusal of the application filed by the plaintiff and objection of the defendants, I have carefully perused the materials available on record it is forthcoming that the plaintiff has seeking permission to substitute the plaint which is filed by them. There is no admissions were withdrawn by the plaintiff in the said amendment. As per the provision of law, the court cannot be permitted to the plaintiff or defendants to withdraw the admission in their pleadings but in the above case the plaintiff has seeking permission to substitute paragraphs in plaint by inserting the other set of objections in respect to his defence of the plaintiff. Hence, the plaintiff has made out sufficient reason to allow the application. *As per Order 6 Rule 17 of CPC, 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.* As per provision of CPC and submission of plaintiff it is forthcoming that, the plaintiff has made out sufficient reason to allow the application. Because the plaintiff has filed the present suit for the relief of partition and separate possession against the defen-

dants and the plaintiff has filed plaint in respect to suit schedule properties itself. Therefore, it is just and necessary to give the opportunity to the plaintiff to substitute the proposed amendment in his plaint. If the application is allowed by this court the cause of action will not be change and also no hardship was caused to the defendants. Hence, this court comes to conclusion that and answered the point No.1 in the affirmative.

9. **Point No.2:-** With these observations and in view of the answer to Point No.1, this court has proceeds to pass the following:

ORDER

Application filed by the plaintiff under Order 6 Rule 17 r/w Section 151 of CPC is hereby allowed.

(Smt. Parvathi C.M)
I Addl. Civil Judge & JMFC,
Maddur.

Order pronounced in open court vide Separate
ORDER

Application filed by the plaintiff under Order 6 Rule 17 r/
w Section 151 of CPC is hereby allowed.

For carried out amendment and furnishing the amended
plaint.

Call on:

(Smt. Parvathi C.M)
I Addl. Civil Judge & JMFC,
Maddur.