

**IN THE COURT OF THE I ADDITIONAL SENIOR  
CIVIL JUDGE AND J.M.F.C., AT PANDAVAPURA**

**Dated this 27<sup>th</sup> day of March - 2026**

**PRESENT**

SRI.BABU N., B.com, LL.B.  
I Addl. Senior Civil Judge & JMFC,  
Pandavapura.

**O.S.No.24/2023**

PLAINTIFF : Sunitha K.N.,

V/s

DEFENDANTS : M.V.Kamala and others.

**PARTIES IN I.A.XV**

APPLICANT : Sunitha K.N. .... Plaintiff

V/s

OPPONENTS : M.V.Kamala and others.

..... Defendants

**ORDER ON I.A.No.XV FILED UNDER ORDER VI  
RULE 17 R/W SEC.151 OF CPC**

The plaintiff has filed the application seeking permission to amend the plaint with the proposed amendment.

2. In the affidavit annexed to the application it is stated that, the property bearing Sy.No.43/1,2,3,4,5 and 6 and Sy.No.43/3A, 3B have been subjected to durastu and that, possession and durastu did not tally with each other and hence an appeal No.(Pan):51/2020-21 was filed before the Technical Assistant of the Deputy Commissioner and Deputy Director of Land Records to setright the same and that, the said appeal was allowed directing the Tahsildar, Pandavapura to conduct

survey and rectify the revenue records and accordingly the revenue officers conducted survey and entered katha in respect of the property bearing Sy.No.43/2 measuring 0.07 guntas, Sy.No.43/2 measuring 0.08 guntas, Sy.No.43/2 measuring 0.15 guntas, Sy.No.43/2 measuring 0.06 guntas totaling to 0.36 guntas into the name of deceased K.N.Gopaldaswamy vide MR No.T5/2022-23 and RRT No.P/663/2022-23 and that, the defendants being the legal representatives of K.N.Gopaldaswamy are liable to executive sale deed in respect of 0.10 guntas out of 0.36 guntas in favour of the plaintiff and hence it is necessary to amend the plaint suitably.

3. The application is resisted by the defendant No.2 stating that, the present application is filed at the stage when the suit was set down for arguments after conclusion of trial and hence the amendment cannot be permitted and that, there are no proper reasons in support of the application and that, the proposed amendment is not necessary for proper adjudication of the suit and that, the plaintiff has filed the application to improve her case and if the application was allowed the defendants would suffer irreparable loss and injury and that, if the application was dismissed the plaintiff would not suffer any loss or injury.

4. The defendant No.4 has resisted the application stating that, the application is not supported by proper reasons and that, the application is filed when the suit was set down for arguments and hence it is liable to be dismissed.

5. Following points do arise for consideration:

1. Whether the plaintiff has made out grounds to permit the proposed amendment?

2. What order?

6. Having heard learned counsel for the respective parties and considered the material on record, I have answered the above points as below:

Point No.1 : In the **Affirmative**,

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

### **REASONS**

7. **POINT No.1** The plaintiff has filed the suit for specific performance of contract dated 24.02.2018 and 19.09.2019 entered into between the plaintiff and the father of the defendants No.2 to 4 and husband of the defendant No.1 by name deceased K.Gopalaswamy. The schedule property, as described in the plaint schedule, is Sy.No.43/2-P1 measuring 0.10 guntas. After conclusion of the trial and when the matter was listed for arguments the plaintiff has come up with the present application. The main objection raised by the defendants No.2 and 4 over the present application is that, the application is liable to be dismissed as same is filed when the suit was set down for arguments.

8. Learned counsel for the plaintiff vehemently argued that, the proposed amendment is necessary because the suit schedule survey number has been renumbered.

9. Learned counsel for the defendants No.2 and 4 vehemently argued that, the application is liable to be dismissed as the same is filed after conclusion of trial.

10. I have given my anxious consideration to the arguments advanced by learned counsel for the respective parties and considered the material on record meticulously.

11. The proposed amendment is in respect of the suit schedule survey number. As already observed, the plaint schedule property numbers is survey 43/2-P1. Now, in the application, it is stated that, the said survey number has been renumbered as 43/2 with different extents totaling to 0.36 guntas. It is also stated that, the Durastu of the survey number was taken place by virtue of an order passed in appeal No. (Pan-51/2020-21) vide MR No.T5/2022-23 and RRT No.P/663/2022-23. The agreement of sale is of the year 2018-19. Durastu of the survey number has taken place subsequently. Therefore, it is proper and necessary to permit the plaintiff to amend the suit schedule survey number for proper adjudication of the suit and also to avoid multiplicity of litigation. The inconvenience which may be caused to the defendants may be compensated by imposing suitable cost. Under these circumstances, I answer **Point No.1 in the Affirmative.**

12. **POINT No.2:-** Having answered Point No.1 in the Affirmative, I proceed to pass the following :-

**ORDER**

The I.A.No.XV filed under Order VI Rule 17 R/w Sec.151 of CPC is allowed on cost of Rs.1000/-.

The plaintiff shall amend the plaint schedule with the proposed amendment suitably and shall also furnish amended plaint.

Call on: 02.04.2026

(Dictated to the Stenographer, transcribed by her, transcript corrected and pronounced by me in the open Court on 27.03.2026)

**(BABU N.)**

I Addl. Senior Civil Judge & JMFC,  
Pandavapura.

(Order pronounced in the open Court  
vide separate Order

**ORDER**

The I.A.No.XV filed under Order VI Rule 17 R/w Sec.151 of CPC is allowed on cost of Rs.1000/-.

The plaintiff shall amend the plaint schedule with the proposed amendment suitably and shall also furnish amended plaint.

Call on: 02.04.2026

**(BABU N.)**

I Addl. Senior Civil Judge & JMFC,  
Pandavapura.

Dt : 27/03/2026



