

KAMS200001642021



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND JMFC, H.D.KOTE**

Dated This 11th day of February 2026

:PRESENT:

**Sri. Mahesh B.T.,
B.Com., LL.M.,
Senior Civil Judge and JMFC,
H.D.Kote.**

OS.No.45/2021

Plaintiff :- Sri. Palaniswamy

V/s

Defendant :- Venkatesh

I.A.No.XVII

**Applicant :- Sri. Palaniswamy
--(Plaintiff)**

V/s

**Opponents :- Venkatesh
- - (Defendant)**

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Orders on IA filed under Order VI Rule 17
R/w Section 151 of C.P.C.,

The present application I.A.No.XVII is filed by the plaintiff U/o 6 Rule 17 R/w 151 of CPC praying for an order to permit him to amend the plaint as prayed below by allowing this application.

2. The said application is supported by the affidavit of the plaintiff and it is stated that, suit against the defendant for the relief of declaration, permanent and Mandatory injunction, the case posted for further proceedings in the mean time he come to know that by oversight not mentioned the suit schedule property katha number, therefore the amendment is very much necessary to prove his case, hence plaintiff submits that application mentioned amendment is very necessary to prove his case. Hence it is just and necessary to amend the same. Hence prayed to allow the application.

3. The counsel for defendant has filed objection to the application and stated that, the plaintiff filed suit against defendant for the relief of declaration, permanent and Mandatory injunction. The application filed by the applicant/plaintiff is not maintainable either in law or on facts. The applicant

has falsely sworn to the affidavit that, to amend the pleadings, and has filed the suit without mentioning any khatha number. The defendant has filed his defence after filing the suit and has already completed the hearing of the plaintiff and defendant and filed the documents. Now that the suit has been for argument and the argument for the plaintiff and defendant has also been completed, the defendant has already presented his argument regarding the suit in his argument and at this stage has filed an application to amend the schedule of the suit. The plaintiff has already filed an application for amendment of the claim form several times, and has also made amendments regarding the schedule property, and even at the stage of making the said amendments, the khata number of the claim property has not been mentioned. Now, after purchasing the claim property, the defendant has changed the khata in the relevant town panchayat in his name and has also obtained E-khatha. The document in this regard has also been submitted to the court. If the application filed by the plaintiff is upheld, the defendant will suffer irreparable loss and inconvenience, but if the application is dismissed, the defendant will not suffer any loss or

inconvenience. Hence prayed to dismiss the application.

4. Heard the arguments of counsel for both parties.

5. The points that arise for consideration of this court are as under;

Point No.1: Whether the plaintiff has made out sufficient grounds that the proposed amendment is very much necessary for the just disposal of the suit and to amend by inserting khata number in the schedule?

Point No.2 : What Order?

6. The findings of this court on above points are as under:

Point No.1 :-In Affirmative

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

REASONS

7. Point No.1: The plaintiff has filed present application for amendment by permitting him to amend by inserting khata number in the schedule. It is to be noted here that, plaintiff has filed present suit for the relief of declaration, permanent and

Mandatory injunction. Now, stage is for the plaintiff's reply arguments, at this juncture instant application is filed by the counsel for the plaintiff for the amendment of plaint. The counsel for the defendants have also filed the objection contending that, the instant application filed only to drag the proceedings and to harass the defendants. It is to be noted here that, the instant amendment sought for inserting khata number in the schedule property. If the application is allowed the nature of the suit will never change and no hardship will be caused to the other side. If really, hardship is caused to the defendant, then he is having all the chance to cross-examine the PW1. No doubt the present application is filed after completion of the evidence but the plaintiff has claimed the relief of declaration, permanent and Mandatory. As per order 6 Rule 17 of CPC, no amendment should be allowed after commencement of the trial but if the sufficient grounds has been established that the plaintiff was prevented from carrying out the amendment, then the court may allow such amendment. The burden lies upon the plaintiff to establish his case, If the plaintiff is permitted to carryout proposed amendment, the same will not change the nature of the suit or it will

create any new cause of action. In order to consider the relief claimed by the plaintiff, the proposed amendment is very much necessary. If the application is allowed, no hardship would be caused to the other side and if any inconvenience caused, the same would be compensated by imposing suitable cost. Hence for the said reasons, this court answers Point No.1 in Affirmative.

8. Point No 2: For the reasons discussed above, this court proceeds to pass the following:

ORDER

The application I.A.No.XVII filed U/o 6 Rule 17 R/w 151 of CPC filed by the plaintiff is hereby allowed with cost of Rs.1500/- and with condition.

Further Rs.500/- out of Rs.1500/- cost shall be paid to the TLSA. H.D.Kote.

The plaintiff is hereby permitted to amend the schedule as prayed.

Further plaintiff as to carryout the proposed amendment to the plaint as stated in the application on the next date of hearing and also to file the amended plaint.

Further, if plaintiff wants to adduced evidence on the said amendment then plaintiff as to adduced evidence on the same day.

Further defendant also directed to cross-examined the PW1, if he adduce evidence on the same day. If defendant fails to cross-examined PW1 then cost of Rs.1500/- will be paid to the TLSA.

For amendment, for production of plaint copy and evidence if any.

Call on: 13.02.2026

(Dictated to the Stenographer, transcribed by her on computer, revised, corrected and then pronounced by me in the open Court on this the **11th day of February, 2026**)

Sd/-

(Mahesh.B.T)
Senior Civil Judge & J.M.F.C
H.D.Kote