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**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND J.M.F.C AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 07th day of April, 2026

OS No.114/2025

Plaintiff: Mr.Santhosh Sequiera, S/o Mr.S.A.Salu,
Aged about 40 years,
Represented by GPA Holder,
Mr.Kishan.G., S/o Mr.Ganesh.K.,
Aged about 28 years, R/at No. 40, Sulthanpalya,
2nd Cross Road, R.T. Nagar, Bangalore - 560032.

-Vs-

Defendants: 1. Mr.Govinde Gowda, S/o Mr.Kenchegowda,
Aged about 52 years,
2. Smt.Vishala, W/o Govinde Gowda,
Aged about 49 years, R/at
3. Sri.Sunil Kumar.G., S/o Govinde Gowda,
Aged about 31 years,
4. Sri.Anil Kumar.G., S/o Govinde Gowda,
Aged about 28 years,
All are R/at Manuganahalli
Village and Post, Bilikere Hobli, Hunsur
Taluk, Mysuru District.

1.	Provision under which the application is filed	:	Under Order 6 Rule 17 R/w Section 151 of CPC
2.	Relief sought for	:	To amend the plaint
3.	The date on which the application is filed	:	25.10.2025
4.	Number of the application	:	IA No.IX
5.	The date on which the objection is filed by opponent	:	09.02.2026
6.	The date on which the orders passed on the said application	:	07.04.2026

ORDERS PASSED ON I.A.NO.IX

When the case is posted for hearing on I.A the learned counsel for plaintiff filed IA No.IX under Order 6 Rule 17 R/w Section 151 of CPC to permit the plaintiff to amend the plaint as sought for.

2. The application is supported with the affidavit of the GPA holder of the plaintiff wherein it is stated that, the plaintiff filed the suit against the defendant for the relief of specific performance of contract and recently he came to know that the suit schedule property has been transferred in the name of proposed defendants through registered partition deed took place between the family of defendant, his wife and children. The partition deed has been registered before Sub Registrar of Mysore West on 03.07.2025. The khata of the suit schedule property has been transferred into the name of proposed defendants No.3 and 4 vide MR No.H1/2025-26

dated 14.07.2025. The RTC also got changed in the name of defendant No.3 and 4. Now the property has been phoded and new survey number i.e., Sy.No.14/16 has been given. The development has taken place after filing of the suit. It is further stated that defendant has mischievously acted and transferred the suit schedule property into the names of his children during the pendency of the suit and when the temporary injunction was granted by this court. Now it is necessary to amend the plaint in order to effectively and completely adjudicating the matter in dispute. In order to bring new facts into the suit it is just and necessary to add one para to the plaint. The proposed amendment is just and necessary to determine the real questions in controversy between the parties. The proposed amendment will not change the nature and cause of action of the suit. There is no intentional delay in bringing the proposed amendment to the plaint. Hence, prayed to allow the application.

3. On the other-hand learned counsel for the defendant filed the objection contending that, the application is not maintainable under law or on facts. Further contended that, the application is filed to drag on the proceedings and the same is filed when the case is posted for hearing on I.As filed under Order 39 Rule 1 and 2 CPC as well as Order 39 Rule 4 of CPC. In order to blackmail the defendant and to grab the suit schedule property the present application is filed. If the application is allowed the nature of the suit is going to be

changed and if it is allowed the defendant will be put to great hardship and if the same is not allowed no hardship is going to be caused to the other-side. Hence, prayed to dismiss the application.

4. Thereafter, heard arguments addressed by learned counsels for the plaintiff and the defendant and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the proposed amendment is just and necessary to determine the real questions in controversy between the parties?
2. What order?
5. The findings on the above points are as hereunder:

Point No.1: In the Affirmative

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

REASONS

6. **Point No.1:-** The plaintiff has filed the suit against the defendants seeking the relief of specific performance of contract. At the time of filing the suit, the plaintiff has maintained IA No.1 under Order XXXIX Rule 1 and 2 of CPC and on 03.04.2025 this court passed an order against the defendant restraining him from alienating the suit schedule property in favour of anybody in any manner. The said order is still existing and when the case is posted for hearing on I.A

No.1 and III, the plaintiff came up with this application seeking for amendment of the plaint. As per the plaintiff after filing of the suit the suit schedule property has been phoded and new survey number i.e., Sy.No.14/16 is given and in order to incorporate the same in the plaint the present amendment is sought. It is very important to note that in the objection the defendant has not denied about giving of new survey number to the suit schedule property after filing of the suit. It is not his objection that the suit schedule property has not been phoded after filing of the suit. In support of the application the plaintiff has produced the RTC and mutation register extract of the suit schedule property which shows that after filing of the suit the survey number of the suit schedule property has been changed from Sy.No.14/p4 to Sy.No.14/16. In order to prove the case the proposed amendment is very much necessary. Further the proposed amendment is with regard to incorporate the subsequent event. By the proposed amendment no cause of action and nature of the suit changes. But it will enable this court to come to a just conclusion. Further if the proposed amendment is not allowed, it will lead to multiplicity of proceedings. Further the defendant will get an opportunity to file additional written-statement. Further the partition deed produced by the plaintiff clearly shows that, the defendant after filing of the suit has meddled with the property and it given right to the plaintiff to get amend the plaint. Hence, this court comes to the conclusion that, the proposed amendment

is very much necessary for the purpose of determining the real questions in controversy between the parties. Accordingly, Point No.1 is answered in the affirmative.

7. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass following:

ORDER

IA No.IX filed by the plaintiff under Order VI Rule 17 R/w Section 151 of CPC is hereby allowed with the cost of Rs.200/-.

Accordingly the plaintiff is permitted to amend the plaint as sought for.

(Typed by me directly on the Laptop, same is then corrected and pronounced by me in the open court on this the 07th day of April, 2026)

Sd/-

(Anitha)

Prl.Senior Civil Judge and JMFC.,
Hunsur.