

**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC,
HUNSUR**

:PRESENT:

**SMT. NAMRATA S HOSMATH, B.A., LL.B.,
I ADDL. CIVIL JUDGE & JMFC,
HUNSUR.**

DATED THIS THE 28TH DAY OF APRIL, 2026

O.S.No.198/2017

<u>PLAINTIFFS:</u>		R. Ramesh plaintiff
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// Vs //

<u>DEFENDANT:</u>		M.P. Nagarajudefendant
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PARTIES TO I.A. NO.XXII

APPLICANT	:	R. Rameshplaintiff
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// V/s //

OPPONENT	:	M.P. Nagarajudefendant
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i	Provision under which the application is filed	U/o VI Rule 17 R/w Sec. 151 of CPC
ii	Relief Sought for	To amend the plaint
iii	The date on which the application is filed	04.09.2025
iv	Number of the application	XXII
v	The date on which the objection is filed by opponent	23.01.2026
vi	The date on which the order was passed on the said application	28.04.2026

ORDERS ON I.A. NO.XXII

The plaintiff has filed the present interlocutory application, numbered as I.A. No. XXII, under Order VI Rule 17 of the Code of Civil Procedure, seeking amendment of the plaint. The plaintiff seeks to add certain paragraphs after para No.9 and seek to add declaratory relief and mandatory relief.

2. In the affidavit filed in support of the application, the plaintiff avers that, the present suit is for permanent injunction and as the defendant has taken the specific contentions that, the suit schedule properties belongs to him and he has purchased the suit schedule properties from his own funds. Hence, the plaintiff now seeks to convert the suit of permanent injunction to declaration. It is contended that, the proposed amendment is just, proper, and necessary for the effective adjudication of the real dispute between the parties. The plaintiff submits that, if the application is not allowed, he would be put to great hardship and irreparable loss. Accordingly, the plaintiff has prayed for allowing the application.

3. Per contra, the defendant has filed objections opposing the application. It is contended that, the application is neither maintainable in law nor on facts. It is further contended that, the defendant is the absolute owner of the suit

schedule properties and plaintiff with an intention to grab the properties of defendant has filed false suit. It is further alleged that, the present application is filed only with an intention to drag the proceedings. On these grounds, the defendant has prayed for dismissal of the application.

4. Heard the learned counsel for the respective parties and perused the materials available on record.

5. The points that arise for consideration are:

1) Whether the plaintiff has made out sufficient grounds to allow the amendment sought for the effective adjudication of the matter in dispute?

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:-** From the pleadings, it is apparent that the plaintiff has instituted the present suit seeking for permanent injunction. It is further apparent that, the plaintiff now seeking to add certain paragraphs in the plaint and as sought for additional reliefs. On a careful perusal of the

record, it is not in dispute that the suit is presently at the stage of further plaintiff's evidence.

8. Since the present lis revolves around the application under Order VI Rule 17 of the Code of Civil Procedure, it is pertinent to refer to the said provision. which is extracted hereinbelow:

“17. Amendment of pleadings.—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.”

9. Upon reading of the above provision makes it clear that, the Court has wide discretion to allow amendment of pleadings at any stage of the proceedings, provided such amendment is necessary for determining the real questions in controversy between the parties.

10. In the present case, though the trial has commenced the plaintiff has filed this application to add additional paragraphs with respect to subsequent events taken place and to elaborate the earlier mentioned averments. The plaintiff has also sought for declaratory reliefs, as the defendant is completely denying the ownership of the plaintiff and the defendant has also filed another suit against the plaintiff. Considering these rival contentions of both the parties, by answering the relief of declaration helps to decide the rights of both the parties over the suit schedule properties in the present suit. Therefore, the amendment sought by the plaintiff has to be tested only on the parameters of whether it is necessary for effective adjudication.

11. On examining the plaint averments, it is evident that, the plaintiff has filed this application based upon the contentions made by the defendant and this court of the opinion that the present amendment is necessary for effectively determining the real controversy between the parties. It also clears confusion in the mind of the court and enables this Court to comprehensively adjudicate the entire dispute between the parties.

12. This Court is of the considered opinion that allowing the amendment would not cause any prejudice to the defendant, as he would be afforded sufficient opportunity to file an additional written statement and contest the matter on

merits. It is a well-established principle that procedural technicalities should not defeat the cause of substantial justice. In view of the above discussion, this Court holds that the amendment sought is just, proper, and necessary for the effective adjudication of the real dispute between the parties. Accordingly, this court answers **Point No.1 in the affirmative.**

13. **Point No.2:** In view of the discussions made in the Point No.1, this court proceeds to pass the following;

ORDER

The I.A. No.XXII filed U/o 6 Rule 17 by the plaintiff is hereby allowed on cost of Rs.1,000/-.

The plaintiff is hereby permitted to carryout the amendment as annexed in the application.

The plaintiff is directed to file fresh valuation slip and court fee.

For amendment and amended plaint
by

(NAMRATA S HOSMATH)
I Addl. Civil Judge & JMFC.,
Hunsur