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**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC
AT K.R.NAGAR**

PRESENT: Sri. Aravindra B.C., *B.A., L.L.B.*,
Senior Civil Judge & JMFC,
K.R.Nagar.

Dated this the 17th day of February, 2026

O.S. No.12/2015

Plaintiffs : Smt. Prema and others
-V/s-

Defendants : Smt. Akkayamma and others

Parties to I.A.No.XXIV

Applicant : Smt. Kanthalakshmi,
W/o Manjunath G.B.,
Aged about 46 years,
R/at: Arkanatha Road,
2nd cross, Ward No.9,
K.R.Nagar Town.

**-----Plaintiff No.2
(By Sri. C.L.M., Adv.)**

-V/s-

Opponents : Smt. Akkayamma and others

..... Defendants



Provision under which the application is filed	Under Order 6 Rule 17 of CPC
Relief Sought For	Seeking permission to amendment of plaint
The date on which the application is filed	12.02.2026
Number of the application	IA No.XXIV
The date on which the objection is filed by the different opponents	13.02.2026
The date on which the orders was passed on the said application	17.02.2026

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**

ORDERS ON IA.No.XXIV

The Counsel for plaintiff No.2 has filed application on IA No.XXIV under Order 6 Rule 17 of CPC seeking permission to amend the plaint.

2. In the affidavit which enclosed the IA No.XXIV, the plaintiffs have filed the suit for the relief of partition and



separate possession with respect to the suit schedule properties. In the schedule the item No.8, while describing the Sy.No.111/3 a mistake crept in its place as 113/3 which needs to be rectified for the proper identification of the properties under dispute. Further, the schedule item No.6 sought to be deleted for the reason the item No.5 and 6 are one and the same. Further, stated that if the application is allowed, no hardship will be caused to the defendants. Hence, prays for allow the application.

3. On the other hand, the defendant No.23 and 24 have filed objection to the IA No.XXIV and contended that the application filed by the plaintiffs is not maintainable. Further, contended that the present application filed by the plaintiffs is barred by limitation. Further contended that the plaintiff has withdrawn the admissions in the pleadings. Hence, they prays for reject the application.

4. Heard arguments.



5. On the basis of the above pleadings, the following points arise for consideration of this court:

1. Whether the plaintiff No.2 has made out ground that, the proposed amendment is to be necessary for the purpose of determining the real question in controversy between the parties

2. What order ?

6. My findings on the above points are as follows:

Point No.1 : In the Affirmative
Point No.2 : As per final order
For the following :

REASONS

7. **Point No.1:-** The plaintiffs have filed a suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties. On the other hand, the defendants have appeared before this



court through their counsels and filed written statement by denying the case of the plaintiffs.

8. As per the averments of the affidavit, it could be seen that the plaintiff has intended to delete the Sy.No.113/3 and insert the Sy.No.111/3 in the item No.8 of the plaint schedule property. On the other hand, the defendant No.23 and 24 have taken contention that the present application filed by the plaintiff is barred limitation.

9. On perusal of the materials available on record, it could be seen that the plaintiffs have filed a suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties. On the other hand, the defendants have appeared before this court through their respective counsels and filed written statement by denying the case of the plaintiffs and contended that there was already partition taken place in the family of the plaintiffs and defendants during the year 1988-89 and which



was later reduced into registered partition deed dated 20.01.2005.

10. Further, contended that the defendant No.23 and 24 have purchased the land bearing Sy.No.156/2 measuring 24 guntas and 155/3 measuring 17 guntas from the defendants. On the basis of rival claimant of the parties, this court framed issues and posted for trial. Further, the record shows that the trial court was concluded and posted for arguments. When the case was posted for arguments, the plaintiff was filed applications in order to recall the PW-2 for further examination-in-chief. On the other hand, the counsel for defendant No.23 and 24 have submitted that the said applications may be allowed on payment of costs. The cost was paid to the defendants by the plaintiffs on 21.01.2026 and accordingly the PW-1 is called. When case posted for further examination, the present application was filed by the plaintiff. The defendant No.23 and 24 have taken contention



in the objection statement that, the present application was filed by the plaintiff is barred by time. On perusal of the proposed amendment, the plaintiff has intended to delete the Sy.No.113/3 and insert the Sy.No.111/3 in the plaint schedule as per the sale deed.

11. At this stage, it is relevant of the decision of the Hon'ble High Court of Karnataka in the case of ***Mohammadrafi and Another Vs. Bandenawaz and others in the writ petition No.108512 of 2025 (GM-CPC)*** wherein, the Hon'ble High Court of Karnataka held at para No.25 and 26, which reads as follows;

25. The Court is of the considered view that in the following instances (illustratively and not exhaustively), applications seeking amendment of pleadings can be allowed without the "due diligence test," even if such applications are filed "post-commencement of trial."

Applications to:

(a) correct typographical errors in the dates of events, documents, etc.;



(b) correct property number, extent, location, or discrepancies in the boundary or any other misdescription of the property;

(c) insert events and developments that have taken place post-filing of the suit and which have a bearing on the final decision;

(d) incorporate a prayer owing to a subsequent event that has taken place during the pendency of the suit, keeping open the question of limitation;

(e) add a few additional facts or furnish better particulars to the facts already pleaded;

(f) add facts in support of the relief already claimed;

(g) seek relief in the alternative, which is in the nature of a lesser relief than the one already claimed. Example: In a suit for declaration of exclusive title and injunction, an application seeking the alternative relief of partition.

(h) Seek additional relief or relief ancillary to the main relief when the relief sought by way of amendment is available based on the pleadings already made.

26. In the aforementioned situations (broadly or generally speaking, excluding exceptional cases), in case the application seeking amendment of pleading is rejected on the premise that the applicant has not passed the “due diligence” test, it would



cause injustice and would defeat the object of the first (main) part of Order VI Rule 17 of the Code, which aims at minimizing or avoiding multiplicity of litigation and provides for determining real questions in controversy between the parties.

12. Further, the Hon'ble High Court of Karnataka held at para No.37 and 38 in the said Judgment which reads as follows;

37. On the question of delay: The Trial Court also dismissed the application on the premise that the application seeking amendment was filed 10 years after the suit.

38. While deciding the application seeking amendment of prayer, with reference to question of limitation, the test to be applied is whether the relief sought by way of amendment is barred by time as of the date of the application. While answering the question, the Court must consider whether the relief of sought by way of amendment is maintainable based on the facts already pleaded in the plaint. In such a situation where the relief sought by way of amendment flows from the facts



already pleaded, the application to incorporate the new relief can be allowed even if, as of the date of the application, the relief is beyond the prescribed period of limitation.

13. In this case on hand, the plaintiffs have intended to correct the property number and further the plaintiffs have not withdrawn any admission from the earlier pleadings. Further, important aspect is to be noted that the defendants have not taken any claim over the item No.6 and 8 of the plaint schedule properties. It is relevant to refer the decision of Hon'ble Supreme Court of India in the case of ***Life Insurance Corporation of India V/s Sanjeev Builders Private Limited and Another*** reported in ***2022 online SCC 1123*** wherein, the Hon'ble Apex Court held as under;-

(i) xxxxx

(ii) All amendments are to be allowed which are necessary for determining the real question in controversy provided it does not cause injustice or prejudice to the



other side. This is mandatory, as is apparent from the use of the word “shall”, in the latter part of Order Vi Rule 17 of the CPC.

(iii) The prayer for amendment is to be allowed:

(i) if the amendment is required for effective and proper adjudication of the controversy between the parties, and

(ii) to avoid multiplicity of proceedings, provided:

(a) the amendment does not result in injustice to the other side,

(b) by the amendment, the parties seeking amendment does not seek to withdraw any clear admission made by the party which confers a right on the other side and

c) the amendment does not raise a time barred claim, resulting in divesting of the other side of a valuable accrued right (in certain situations).

(iv) A prayer for amendment is generally required to be allowed unless:

(i) by the amendment, a time barred claim is sought to be introduced, in which case the fact that the claim would be time



barred becomes a relevant factor for consideration,

(ii) the amendment changes the nature of the suit,(iii) the prayer for amendment is malafide, or

iv) by the amendment, the other side loses a valid defence.

(v) In dealing with a prayer for amendment of pleadings, the court should avoid a hypertechnical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs.

(vi) Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.

(vii) Where the amendment merely sought to introduce an additional or a new approach without introducing a time barred cause of action, the amendment is liable to be allowed even after expiry of limitation.

(viii) Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.



(ix) Delay in applying for amendment alone is not a ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.

(x) Where the amendment changes the nature of the suit or the cause of action, so as to set up an entirely new case, foreign to the case set up in the plaint, the amendment must be disallowed. Where, however, the amendment sought is only with respect to the relief in the plaint, and is predicated on facts which are already pleaded in the plaint, ordinarily the amendment is required to be allowed.

(xi) Where the amendment is sought before commencement of trial, the court is required to be liberal in its approach. The court is required to bear in mind the fact that the opposite party would have a chance to meet the case set up in amendment. As such, where the amendment does not result in irreparable prejudice to the opposite party, or divest the opposite party of an advantage which it had secured as a result of an admission



by the party seeking amendment, the amendment is required to be allowed. Equally, where the amendment is necessary for the court to effectively adjudicate on the main issues in controversy between the parties, the amendment should be allowed. (See Vijay Gupta Vs. Gagninder Kr. Gandhi & Ors., 2022 SCC OnLine Del 1897)

14. The plaintiffs have intended to delete the survey number No.113/3 which wrongly mentioned in the schedule in the instead of 111/3. Further, the plaintiff has also intended to delete the item No.6 for the reason the item No.5 and 6 are one and the same. If the proposed amendment is allowed, the defendants have got right to make file additional written statement and further in order to avoid the multiplicity of proceedings, the proposed amendment is allowed. **Hence, this court answered Point No.1 is in the Affirmative.**



15. **Point No.2:-** For the above said reasons, this court proceed to pass the following:-

O R D E R

The IA No.XXIV filed by the plaintiff No.2 under Order VI Rule 17 of C.P.C. is hereby allowed on cost of Rs.1,000/-.

The counsel for the plaintiff is permitted to carryout the amendment and furnish the amended plaint within 14 days from the date of this order.

*[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the **17th day of February, 2026**]*

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**