

KAMS410001102020



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR**

PRESENT

**Sri. Chandan S, B.Com., LL.B
Prl. Civil Judge & JMFC, Krishnarajanagara.**

DATED 01ST DAY OF JUNE 2026

O.S./17/2020

Plaintiff : Ashoka

-V/s-

Defendant : Ramakrishnegowda

I.A.4

**Applicant : Ramakrishnegowda
S/o Late.Sannegowda,
Aged about 60 years,
R/at Guluvina Athiguppe Village,
Hosa Agrahara Hobli,
K.R.Nagar Taluk, Mysuru District.**

--- Defendant

-V/s-

**Opponent : C.Ashoka S/o Chandregowda,
Aged about 40 years,
R/at Guluvina Athiguppe Village,
Hosa Agrahara Hobli,
K.R.Nagar Taluk, Mysuru District.**

--- Plaintiff

Provision under which the application is filed	U/o 6 R-17 of C.P.C.
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Relief sought for	Amendment of written statement
The date on which the application is filed	28.03.2026
Application Number	4
Date on which the objections are filed by the different opponents	02.04.2026
Date on which the order is passed	01.06.2026

ORDER ON I.A. NO.4 FILED U/O 6 R-17 OF C.P.C.

This matter is taken up for consideration of the application filed by the defendant under Order 6 Rule 17 of C.P.C, seeking permission to amend the written statement.

2. The defendant, by way of the proposed amendment, intends to incorporate an additional defence to the effect that he has neither borrowed nor received any loan from the plaintiff, as alleged in the plaint. It is further sought to be contended that, as on the alleged date of transaction, i.e., 20.07.2017, the defendant did not possess the financial capacity or means to lend such a huge amount to the plaintiff, and therefore the very case put forth by the plaintiff is false and untenable.

3. It is submitted that, though such a defence was intended to be taken at the time of filing of the written statement, the same could not be incorporated due to inadvertent and technical reasons during drafting and presentation. The defendant contends that the omission is neither willful nor deliberate. The proposed amendment, if

allowed, would assist this Court in effectively adjudicating the real controversy between the parties. The nature of the amendment is explanatory and clarificatory, and does not change the fundamental nature of the defence already taken. Hence prayed for allowing the application.

4. The plaintiff has appeared and filed his statement of objections opposing the application. In the objections, the plaintiff has denied all the allegations, averments, and contentions raised by the defendant in the affidavit filed in support of the application, contending that the same are false, frivolous, and devoid of merits. It is submitted by the plaintiff that, he has been earning his livelihood through labour work and other lawful means, and that he is the sole earning member of his family, maintaining and supporting all dependents. The plaintiff asserts that he has sufficient and legitimate sources of income.

5. Further it is contended that, during July 2017, at the time of advancing the loan amount to the defendant, the plaintiff had arranged funds from his savings amounts and by raising loans and hand borrowings from various sources, in order to lend the same to the defendant. The plaintiff further submits that the present application for amendment has been filed by the defendant with the sole intention of delaying and protracting the proceedings of the suit. According to the plaintiff, the proposed amendment is unnecessary, irrelevant, and does not aid in adjudicating the real controversy between the parties.

6. It is also contended that, the amendment sought does not arise out of any bona fide reason, but is filed with an oblique motive to stall the progress of the suit and prevent its early disposal. Hence, the plaintiff prays that, the application filed by the defendant be dismissed with costs, as it is devoid of merits and filed with an intention to delay the proceedings.

7. Heard the learned counsel for the defendant/applicant and the plaintiff. Perused the records. The matter was reserved for orders.

8. The following points arise for this court's consideration.

1) Whether applicant has made out sufficient grounds for allowing the present application?

2) What Order?

9. This court findings on the above points for consideration are as under:

Point No.1: In the Affirmative

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

REASONS

10. POINT NO.1:

The defendant has filed the present application seeking amendment of the written statement on the ground that certain material and essential pleadings could not be incorporated at the time of drafting and presentation of the written statement due to

inadvertent reasons. It is contended that, such pleadings are necessary for proper and effective adjudication of the real controversy between the parties. Per contra, the plaintiff has opposed the application contending that the same is filed only with an intention to delay and protract the proceedings of the suit, and that the proposed amendment is neither necessary nor bona fide.

11. On perusal of the proposed amendment, it is seen that the defendant intends to introduce a plea questioning the financial capacity of the plaintiff to advance the alleged loan at the relevant point of time. No doubt, the suit is at the stage of further evidence, and the application has been filed at a belated stage. However, it is a settled principle of law that amendments to pleadings may be allowed at any stage of the proceedings, if such amendment is necessary for determining the real questions in controversy between the parties.

12. Merely permitting the amendment would not, by itself, confer any substantive right upon the defendant. The burden still lies upon the defendant to prove the said plea by adducing cogent and convincing evidence during trial. At the same time, the plaintiff will have full opportunity to rebut the said contentions and establish his financial capacity and claim in accordance with law. Further, allowing the amendment would not take away any vested right of the plaintiff, but would rather enable the Court to adjudicate the dispute comprehensively and to avoid multiplicity of proceedings.

13. Though the objection of the plaintiff regarding delay has some force and effect, the same can be suitably compensated by imposing costs. In view of the above, this Court is of the considered opinion that the application is deserved to be allowed. Hence, this court without further discussion proceeds to answer **point No.1 in the affirmative.**

14. POINT NO.2:

In view of the above discussion and reasons mentioned therein this court proceeds to pass the following:

ORDER

The I.A. No.4 filed by defendant U/o 6 rule 17 of C.P.C. seeking amendment of the written statement is hereby allowed subject to payment of costs of Rs.300/-.

The defendant is permitted to carry out the amendment to the written statement.

The plaintiff is at liberty to file an additional rejoinder, if any, to the amended written statement.

Liberty is also reserved to both parties to lead further evidence, if necessary, on the additional grounds sought through the amended pleadings.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 01st day of June 2026]

**(Chandan S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.**