

KAMS500000222021



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC
NANJANGUD**

Present : **Sri. Kamalaksha D., B.A., LL.B.,**
Senior Civil Judge & J.M.F.C.,
Nanjangud.

Dated this the 23rd day of July 2025

O.S./9/2021

Plaintiffs : Nagaraju – since dead by L.Rs.

-V/s-

Defendants: S.Saroja and others

I.A. XII

Applicant : Nagaraju – since dead by L.Rs.
.... plaintiffs

-V/s-

Opponents : S.Saroja and others
... defendants

ORDER ON I.A. XII UNDER ORDER
VI RULE 17 R/W SECTION 151 OF CPC

The plaintiff filed this application seeking permission of the court to add the pleading in the plaint schedule by way of amendment.

2. In the affidavit it is sworn that, the applicant is the wife of original plaintiff. The deceased original plaintiff has filed the suit for declaration and injunction in respect of the suit schedule properties. During the pendency of the suit in the intervention of well-wishers and elders of their family and defendants' family have arrived at compromise. The same was filed before this court in the above case on 28.09.2022. At the time of filing the suit neither herself nor her deceased husband or any of the members of the family did not know the separate boundaries of individual survey numbers for lack of knowledge and for want of education. Hence, now the plaintiff going to insert the details of the boundaries of the properties. Hence, prays to allow the application.

3. Per contra, the defendants No.2 to 18 filed objections stating that the new fact will change the nature of relief and facts. Already one suit is filed before the II Addl. Civil Judge for the same relief. Now the plaintiff cannot alter the boundaries of the suit schedule properties on the ground that such details recently available to her. So, pray to reject the application.

4. Heard the arguments. Perused pleadings and materials placed on record. The points that arise for my consideration are:

1. Whether the plaintiff has made out sufficient grounds to allow the application?

2. What order ?

5. The above points are answered as follows :-

Point No.1 : In the affirmative

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

REASONS

6. **Point No.1** :- This application is filed for amendment of the plaint to insert the boundaries of the schedule properties mentioning that the boundaries of the schedule properties was recently available to the plaintiff. At the first instance, the deceased husband of the plaintiff did not mention the boundaries of the properties due to lack of knowledge and want of education. Initially the plaintiff had mentioned common boundaries, now the plaintiff got details of the boundaries of the suit schedule properties properly. Suppose amendment is permitted to mention the proper boundaries of the schedule properties, it will not cause harm to the defendants. Suppose amendment is rejected, it will prevent the plaintiff to mark the required and cardinal point of boundaries of the suit schedule properties. Rejection of application will cause much controversy between the parties, because the defendants will take contention to reject the suit only on the question of boundaries. So, if plaintiff is permitted to mention the boundaries or explanation to the suit schedule

properties, it will not cause hardship to the counter part.

Hence, **point No.1** is answered **in the affirmative**.

7. **Point No.2:-** In view of the findings on the above points, this Court proceeds to pass the following:

ORDER

I.A.XII filed by the plaintiff under Order VI Rule 17 r/w Section 151 of CPC is allowed with no order as to cost.

The plaintiff is permitted to amend the
plaint.

(Dictated to the stenographer, transcribed by her on computer, revised, corrected and then pronounced by me in open Court on this the 23rd day of July 2025).

(Kamalaksha D.)
Senior Civil Judge & J.M.F.C.,
Nanjangud.