

KAMS710002132018



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE &
J.M.F.C., AT T.NARASIPURA**

Dated this the 07th day of March 2026

:PRESENT:

Sri. SACHIN H.R., BA. L L B.,
Prl.Civil Judge & J.M.F.C., T.Narasipura.

O.S.No.29/2018

PLAINTIFF/s : *Smt.Indramma & others*
(By Sri.G.S.S., Advocate)

V/s

DEFENDANT/s : *Sri.Rangaswamy & others*
(Def.No.1 by Sri.M.H.S., Adv.)
(Def.No.2 to 4 by Sri.P.S., Adv.)

I.A.No.VI

APPLICANT/S : *Smt.Indramma and others (plaintiffs)*

V/S

OPPONENT/S : *Sri.Rangaswamy & others (defendants)*

ORDERS ON I.A.No.VI

*The Applicants/Plaintiffs have filed I.A.No.VI under
Order 6 Rule 17 R/w Section 151 of CPC seeking to cause*

proposed amendment to the plaint by inserting para No.3(a) and additional prayer No.1(a) as prayed for in the interest of justice and equity.

2. In the affidavit filed in support of the said application, the plaintiff No.1 has stated that the plaintiffs have filed this suit for the relief of partition and separate possession and that during the pendency of the suit the defendant No.1 has executed the registered Agreement for Sale dated 02.11.2018 and that the defendants have not disclosed the said fact in their written statement and during the course of the evidence led by the defendant No.2 he has marked the said Agreement for Sale dated 31.10.2018 registered on 02.11.2018 and as soon the plaintiffs got to know the said fact has come up with the instant application seeking for the proposed amendment as prayed for. That if the said application is not allowed will cause great hardship to the plaintiffs. Hence prays to allow the application.

3. *Per contra, the defendant No.2 has filed his objections and has contended that, the application filed by the plaintiffs is not maintainable either in law or on facts and same is liable to be dismissed. Further has contended that this defendant has filed his written statement on 27.03.2018 has clearly narrated the fact of execution of the said Agreement for Sale by the defendant No.1 in his favour and further has got marked the said document in his evidence. Such being the case the plaintiffs have come up with the application at this belated stage. Hence prays to dismiss the application.*

4. *Heard arguments by the learned counsel for both the parties and perused the materials available on record.*

5. *The following points arise for my consideration:-*

1. Whether the said application deserves to be allowed?

2. What order?

6. *My answers to the above points are as follows:-*

*Point No.1 : In the **Affirmative,***

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

REASONS

7. POINT No.1:- *The plaintiffs have filed this suit seeking for the relief of partition against the defendants. After issuance of suit summons, the defendant No.1 and 2 have appeared through their counsel and have filed their written statement and accordingly issues are framed and when the matter is posted for cross examination of D.W.1, the plaintiffs come up with the present application seeking for the proposed amendment to the plaint as prayed for.*

8. *That it is the specific case of the plaintiffs that during the pendency of the suit the defendant No.1 has executed the Ex.D.1 in favour of the defendant No.2 and hence the plaintiffs have come up with the proposed amendment to the plaint as prayed and accordingly prays to allow the application. On the other hand, the defendant No.2 though has filed his objections, he has not made any grounds to reject this application.*

9. On perusal of the proposed amendment by the applicants, it is found that the said amendment does not take away any material admissions made by the plaintiffs, but it is necessary to establish the case of the plaintiffs and further in order to decide the matter on merits after full and complete adjudication the said application deserves to be allowed to avoid multiplicity of cases. Further, the proposed amendment falls necessary for the purpose of determining the real questions in controversy between the parties. Further, the said amendment neither changes the nature of the suit nor the cause of action. Hence, it is observed that if the said application is not allowed, the applicants will be put to great hardship and on the other hand no injustice would be caused to the defendants and the defendants reserves their right to submit their further statement in their defence. Further the Hon'ble Apex Court in a case between Baladev Singh and others V/s Manohar Singh and another reported in AIR 2006 SC 2832 has held that the courts should be extremely liberal in granting the prayer of amendment of pleadings unless serious injustice or

*irreparable loss is caused to the other side. In the case on hand, this court opines that if the application is not allowed, the plaintiffs will be put to hardship and on the other hand, the hardship to be cause to the defendants can be met by imposing cost upon the plaintiffs. **Accordingly, I am inclined to answer the point No.1 in the Affirmative.***

POINT No.2:

10. In the light of my due discussions on point No.1, I proceed to pass the following:

ORDER

The I.A.No.VI filed by the Plaintiffs /Applicants U/O. 6 Rule 17 R/w Sec.151 of C.P.C. is hereby allowed on cost of Rs.500/-.

Consequently, the plaintiffs are permitted to cause amendment to the plaint as prayed for.

(Dictated to the Stenographer, on computer and computerized by her, corrected by me, and then pronounced in the open Court on this the 07th day of March, 2026.)

(Sachin H.R.)
Prl.Civil Judge & J.M.F.C.,
T.Narasipura.

*(Order is pronounced in the open court
vide separate order)*

ORDER

The I.A.No.VI filed by the Plaintiffs /Applicants U/O. 6 Rule 17 R/w Sec.151 of C.P.C., is hereby allowed on cost of Rs.500/-.

Consequently, the plaintiffs are permitted to cause amendment to the plaint as prayed for.

To cause amendment to the plaint and to furnish amended plaint by 05.06.2026.

***Prl. Civil Judge & J.M.F.C.,
T.Narasipura.***

