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| V. | The date on which the objections are filed by different opponents | 18/10/2025 |
| vi. | The date on which the orders were passed on the said application | 21/02/2026 |

**Order on IA No.8 filed under order VI Rule 17 R/w 151 of
CPC**

1. The plaintiff has filed this application seeking to permit him to amend the plaint as mentioned hereunder:

Amendment sought for:

1. In page No.3, after para No.7 the following para No.8 is to be inserted.

Para 8:- It is further submitted that deceased Chikkaiah who is none other than the LR's of the defendants is used to call as Chikkegowda as his @ name and as such the said Chikkegowda and Chikkaiah is none other than the father of the defendant No.2 to 7 and husband of defendant No.1. The said Chikkaiah @ Chikkegowda for his family necessities and to discharge his hand loan is not only executed the On-

demand promissory note, but also handed over the original registered sale deed dated 07-07-1994 relating to Panchayath Property No.79 being vacant site measuring East to West 30 feet and North to South 30 feet situated at Suthuru Village, Santhamaralli Hobli, Chamarajanagara Taluk and District Bounded on the East by: Vacant site of patel Ajejigowda West by: Vacant site of Kalegowda North by: Residential house of M.Chikkaramaiah and South by: Road and vacant site of Chikkananjegowda. The market value of said property in the open market at present is more than 15 Lakh. At the time of borrowing the loan he is also had a residential house to reside with wife defendant No.1 and half dozen children who are none other than the legal representatives of deceased Chikkaiah @ Chikkegowda being family members. In spite of that the defendants have not complied the legal request and demands made by the plaintiff and they are together attempting to cheat the innocent plaintiff according to their whims and fancies. Due to which the defendants being the legal representatives of deceased Chikkaiah are duty bound to discharge the loan borrowed by the deceased Chikkaiah @ Chikkegowda. This para No.8 is inserted as per the order of 1st Appellate Court in R.A.No.6/2023 dated 02-05-2025.

2. In the accompanying affidavit, the plaintiff has stated that he has filed the present suit against the defendants for the relief of recovery of money and it was decreed. The defendants have preferred an appeal before the Appellate Court in RA.No.6/2023 and remanded for fresh disposal after proper amendment of plaint and production of relevant documents. Hence, it is necessary to amend the plaint. The proposed amendment will not change the nature or cause of action. Hence, prays to allow the application.

3. Per contra, the defendants No.2 has filed objections by denying the above application and contended that as per amendment of section 6 of Hindu Succession Act, 2005 the principles of pious obligation is no more existence, hence the defendants are not bond to discharge the loan raised by plaintiff and amendment sought in the application is after thought and it would take way the rights vested with defendants. Hence, prays to dismiss the application with costs.

4. Heard the argument of counsel for both parties.

5. The following points are arise for my consideration:

1) Whether the proposed amendment is necessary for determining the real question in controversy between the parties?

2. What Order?

6. Perused the documents available on record.

7. My answer to above points are as under:

Point No.1 : In the Affirmative

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

REASONS

8. Point No.1: The plaintiff has filed the suit seeking for the relief of recovery of money against the defendants and it was partly decreed and directed the defendants to pay sum of Rs.3,00,000/- with interest. Aggrieved by the said judgment, the defendants have preferred an appeal in RA.No.6/2023 and the Ist Appellate Court remanded the matter for fresh consideration with a liberty to the plaintiff to insert in the plaint the details about properties left by deceased Chikkaiah and to produce documents. After remand, the plaintiff has filed the above application seeking for amendment about

insertion of a para in the plaint. The defendants have filed objections to the above application.

9. In the application, the plaintiff is seeking to add a para about the relationship of the defendants with deceased Chikkaiah and also the properties left by the said Chikkaiah. In the objections the defendants have stated that after amendment of Sec.6 of Hindu Succession Act, the pious obligation is removed from Hindu Succession Act. Hence, the defendants being the legal representatives of deceased Chikkaiah are not liable to pay amount as mentioned in the plaint and the amendment is after thought and it is not permissible under law.

10. As stated above, the Ist Appellate Court granted liberty to the plaintiff to insert the details about Chikkaiah and his properties left by him. Therefore, the plaintiff has filed the present application in order to insert the details about the relationship of defendants with deceased Chikkaiah and also the properties left out by him. If the application is allowed the burden is on the plaintiff to prove the amendment sought in the application. The defendants have got an opportunity to file additional written statement. The amendment sought in the application would not taken way

the defence of defendants. In order to avoid multiplicity of proceedings, it is just and necessary to allow the application. If is allowed no prejudice will caused to the defendants. Hence, this court proceeds to answer Point No.1 in the **Affirmative.**

11. Point No.2: In view of the answer and reasons stated in point No.1, this Court proceed to pass the following;

ORDER

IA.No.8 filed by plaintiff under Order 6 Rule 17 R/w 151 of C.P.C is hereby allowed with cost and thereby permitted the plaintiff to amend the plaint and to file amended plaint.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 21st day of February 2026]

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**

OS.198/2015

(Order pronounced in open court vide separate order)

ORDER

IA.No.8 filed by plaintiff under Order 6 Rule 17 R/w 151 of C.P.C is hereby allowed with cost and thereby permitted the plaintiff to amend the plaint and to file amended plaint.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**