

KAMS710011622022



**IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND**  
**JMFC AT T.NARASIPURA**

**Dated this the 13<sup>th</sup> day of October 2025**

**Present: Smt. Niveditha N., B.A.L., LL.B, LL.M.,**  
**I Additional Civil Judge & JMFC., T.Narasipura.**

**O.S./66/2022**

**Applicant: K.Guruswamy**

**..... plaintiff**

**V/s**

**OpponentS: Parashiva and Another**

**..... defendants**

|     |                                                |                                |
|-----|------------------------------------------------|--------------------------------|
| i.  | Provision under which the application is filed | Order 6 Rule 17 R/w 151 of CPC |
| ii. | Relief sought for                              | Amendment of written statement |

|      |                                                                   |            |
|------|-------------------------------------------------------------------|------------|
| iii. | The date on which the application is filed                        | 30/10/2023 |
| iv.  | Number of the application                                         | No.6       |
| V.   | The date on which the objections are filed by different opponents | 02/01/2024 |
| vi.  | The date on which the orders were passed on the said application  | 13/10/2025 |

**Order on IA No.6 filed under order VI Rule 17 R/w 151 of**

**CPC**

1. The Defendant No.1 has filed this application seeking to permit him to amend the written statement as mentioned hereunder:

**ಪ್ರತಿವಾದ ಪತ್ರದಲ್ಲಿ ಕೋರಿರುವ ತಿದ್ದುಪಡಿ:**

9(ಎ) ದಾವಾಪತ್ರದ ಷೆಡ್ಯೂಲ್‌ನಲ್ಲಿ ತೋರಿಸಿರುವ ಚಕ್ಕುಬಂದಿಯು ಸುಳ್ಳಾಗಿರುತ್ತದೆ. ಸುಳ್ಳು ಚಕ್ಕುಬಂದಿಯನ್ನು ಹಾಕಿ ಸುಳ್ಳು ದಾವೆಯನ್ನು ಪ್ರತಿವಾದಿಗಳ ವಿರುದ್ಧ ಹೂಡಲಾಗಿದೆ. ಜೊತೆಗೆ ದಾವಾಪತ್ರದ ಷೆಡ್ಯೂಲ್ ನಲ್ಲಿ ತೋರಿಸಿರುವ ಚಕ್ಕುಬಂದಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪೂರಕವಾದ ದಾಖಲೆಯನ್ನು ಸಹ ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ.

2. In the accompanying affidavit, the defendant No.1 has stated that due to non-availability of information, they were unable to insert the amendment sought in the written statement. Now, they got information and intended to insert the same as para no.9(a) in the written statement. Hence, prays to allow the application.

3. Per contra, the plaintiff has filed objections to the above application and has repeated the plaint averments and the defendant has not mentioned the reason in the affidavit and hence, prays to dismiss the application with exemplary cost.

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 permanent injunction in respect of the suit schedule property. The defendants have filed the written statement by denying the claim of the plaintiff. When the matter is posted for cross of P.W.1, the defendant No.1 has filed the present application. The plaintiff has filed objections.

9. In the affidavit, the defendant No.1 has stated that due to over sight the amendment sought in the application was not added in the written statement and there is no malafide intention. The defendant No.1 has sought the amendment to insert a para No.9(a) after para No.9 about the boundaries of the suit schedule property. On the other hand, the plaintiff has denied the above application. But, the amendment sought in the application is only insertion of a para in the written statement about the boundaries of the suit schedule property.

**Order 6 Rule 17 of CPC reads as follows:**

“The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in

such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Provided that no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial”

10. In view of the above provision, the amendment of the pleadings after commencement of evidence of the parties, cannot be permitted without due delinquency. But in the present case, the amendment sought in the application is subsequent events.

11. Thus, in order to render justice to parties and in order to determine the dispute among the parties, it is necessary to allow the application. If the application is allowed, the burden is on the defendants to prove the amendment sought in the application. The plaintiffs have got an opportunity to cross examine the defendants on the amendment sought in the application. In order to avoid multiplicity of proceedings,

it is just and necessary to allow the application. Hence, this court proceeds to answer Point No.1 in the Affirmative.

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

**ORDER**

The IA No.6 filed by defendant No.1 under order 6 Rule 17 R/w 151 of C.P.C is hereby allowed and thereby permitted the defendant No.1 to amend the written statement and to file amended written statement.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 13<sup>th</sup> day of October 2025]

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

(Order pronounced in open court vide separate order)

**ORDER**

The IA No.6 filed by defendant No.1 under order 6 Rule 17 R/w 151 of C.P.C is hereby allowed and thereby permitted the defendant No.1 to amend the written statement and to file amended written statement.

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