

KAMS710014082024



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

Dated this the 19th day of February 2026

:PRESENT:

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

O.S.No.139/2024

PLAINTIFF/s : Sri.Chowdaiah

(By Sri.S.J., Adv.)

V/s

DEFENDANT/s : Sri.H.B.Channabasavanna

(By Sri.B.M.S., Adv.)

I.A.No.III

APPLICANT/S : Sri.Chowdaiah (plaintiff)

V/S

OPPONENT/S : Sri.H.B.Channabasavanna (defendant)

ORDERS ON I.A.No.III

*The Applicant/Plaintiff has filed I.A.No.III under Order 6
Rule 17 of CPC seeking to cause proposed amendment to
the plaint as prayed for in the interest of justice and equity.*

2. In support of the said application the plaintiff has filed his duly sworn affidavit and stated that the proposed amendment neither changes scope of the suit nor the nature of the suit. Hence prays to allow the application.

3. Per contra, the defendant has filed his objections and has contended that, the application filed by the plaintiff is not maintainable. Further it is contended that the plaintiff has filed this application only to protract the proceedings and as such the proposed amendment is not maintainable. Further it is contended that the matter is posted for hearing on maintainability of the suit and thus when the suit itself is not maintainable the application is not all maintainable. Further the proposed amendment introduces new cause of action and change the nature of the case. 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 plaintiff has filed this suit seeking for the relief of specific performance of contract against the defendant. After issuance of suit summons, the defendant has appeared through his counsel and has filed his written statement and accordingly preliminary issue was framed in regard to the maintainability of the suit and when the matter is posted for hearing on preliminary issue, the plaintiff has come up with the present application seeking to cause proposed amendment to the plaint as prayed for.

8. That it is the specific case of the plaintiff that the proposed amendment to the plaint as prayed for will not alter the true scope of the suit and does not change the nature of the suit. Hence prays to allow the application. On the other hand, the defendant though has filed his objections; he has not made any grounds to reject this application.

9. On perusal of the proposed amendment by the applicant, it is found that the said amendment does not take away any material admissions made by the plaintiff, but it is necessary to establish the case of the plaintiff and 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 does not change the nature of the suit or the cause of action. Hence, it is observed that if the said application is not allowed, the applicant will be put to great hardship and on the other hand no injustice would be caused to the defendant and the defendant reserves his right to submit his further statement in his defence and moreover the Hon'ble Appex Court in a case between Baladev Singh and other 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 plaintiff will be put to hardship and on the other hand, the hardship to be cause to the defendant can be met by imposing cost upon the plaintiff. **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.III filed by the Plaintiff /Applicant U/O.6 Rule 17 of C.P.C., is hereby allowed on cost of Rs.500/-.

Consequently, the plaintiff is 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 19th day of February, 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.III filed by the
Plaintiff /Applicant U/O.6 Rule 17
of C.P.C., is hereby allowed on cost
of Rs.500/-.*

*Consequently, the plaintiff is
permitted to cause amendment to
the plaint as prayed for.*

*To cause amendment to the
plaint and to furnish amended
plaint by 07.03.2026.*

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

