

KAMS710000792022



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

Dated this the 08th day of December 2025

:PRESENT:

Sri. SACHIN H.R., BA. L L B.,
Prl. Civil Judge & JMFC.,
T.Narasipura.

O.S.No.25/2022

PLAINTIFF/s : Sri.Chikkasiddamma

(By Sri.S.J., Advocate)

V/s

DEFENDANT/s : Sri.B.Shivanna

(By Sri.H.P.R., Advocate)

I.A.No.IV

APPLICANT/S : Sri.Chikkasiddamma (plaintiff)

V/S

OPPONENT/S : Sri.B.Shivanna (defendant)

ORDERS ON I.A.No.IV

*The Applicant/Plaintiff has filed I.A.No.IV under Order 6
Rule 17 R/w Section 151 of CPC seeking to cause proposed*

amendments to the plaint by substitution of the word 'five' in the place of 'four' in para No.1 of the plaint and to insert 'declaring that the plaintiff for herself and as Manager of her joint Hindu family members owner of suit schedule property and for' un the prayer column as prayed for in the interest of justice and equity.

2. *In the affidavit filed in support of the said application, the plaintiff has stated that the in view of the untenable grounds taken by the defendant in his written statement it is just and necessary for her to cause proposed amendment to the plaint as prayed for and that the proposed amendment does not alter the true scope and 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 either in law or on facts and same is liable to be dismissed. Further has contended that it is not permissible to the plaintiff to seek for the relief of declaration in the suit filed for permanent injunction on her behalf and on behalf of her family members, as all the*

parties in a suit for declaration has to be made as parties to the suit, in whose absence effective adjudication is not possible. Further the defendant has contended that the plaintiff has come up with an untenable application at her whims and fancies. 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 permanent injunction against the defendant. After issuance of suit summons, the defendant has appeared through his counsel and has filed his written statement. Accordingly issues were framed and when the*

matter is posted plaintiff evidence, the plaintiff has come up with the present application seeking for proposed amendments to the plaint as prayed for.

8. That it is the specific case of the plaintiff that that the in view of the untenable grounds taken by the defendant in his written statement it is just and necessary for her to cause proposed amendment to the plaint as prayed for and that the proposed amendment does not alter the true scope and nature of the suit. Hence prays to allow the application. On the other hand, the defendant has contended that it is not permissible to the plaintiff to seek for the relief of declaration in the suit filed for permanent injunction on her behalf and on behalf of her family members, as all the parties in a suit for declaration has to be made as parties to the suit, in whose absence effective adjudication is not possible. Further the defendant has contended that the plaintiff has come up with an untenable application at her whims and fancies. Hence prays to reject the application.

9. On perusal of the proposed amendments by the applicant, it is found that the said amendment does not

alter the nature of the suit, but it is sought to establish the case of the plaintiff 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 altogether does not change the entire nature of the suit, nor 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 statements 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. Further the defendant has not made out any grounds to dismiss the application at its limine. **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.IV filed by the Plaintiff /Applicant U/O 6 Rule 17 R/w Sec.151 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 08th day of December, 2025.)

(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.IV filed by the Plaintiff /Applicant U/O 6 Rule 17 R/w Sec.151 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 30.01.2026.*

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