

ORDER ON I.A.NO.29

Defendant No.8 has filed IA U/o 6 rule 17 R/w. Sec.151 of CPC for amendment of the written statement to include para No.2(a) to (c).

The advocate for plaintiff said I may be allowed on heavy cost.

Perused the application and order of Hon'ble High Court of Karnataka at Kalburgui bench passed in WP.No.201406/2026 dated 27-03-2026. The defendant No.8 intends to amend the written statement by inserting para No.2(a) to (c) that is the information that during the pendency of the case defendant No.1 expired on 26-04-2017. Thereafter defendant No.8 impleaded in the case on the basis of Will Deed bearing document No.BK-III, 23/2013-2014 dated 19-10-2013 alleged to executed by defendant No.1 in favour of defendant No.8. He also stated that as per the alleged will the defendant No.1 bequeathed her shop of consisting of ground floor and first floor which is item No.2 of property. He also stated that

the defendant No.1 executed Gift deed in favour of defendant No.3 and 4 to the extent of remaining portion of item No.2 property. He denied the contents of Para No.21(B) of the plaint. He further stated that defendant No.1 purchased the item No.2 property from her self earnings. So she is absolute owner of the said property and she has executed the Will deed and Gift deed in favour of defendant No.8, 3 and 4 and they are in possession and enjoyment of their respective portions. He also stated that the item No.2 property is not purchased from joint family nucleus as a benami in the name of defendant No.1. He also denied the claim of the plaintiff as hit by Benami Transaction Act.

Earlier to this the defendant No.8 has filed IA.No.26 seeking permission for filing written statement. But the said application was rejected by this court, against which the defendant No.8 has approached Hon'ble High Court of Karnataka by filing WP as stated above. The Hon'ble High

Court of Karnataka by confirming the order of this court dismissed the WP but given liberty to defendant No.8 for filing necessary application for amendment of written statement.

Even though the Hon'ble High Court of Karnataka has given liberty as per order dated 27-03-2026 to defendant No.8 for filing necessary application, but the defendant No.8 has filed the application after lapse of nearly 3 months so there is delay in filing the application. The matter is more-than 10 years old and in order to decide the case effectively and give a chance to defendant No.8 for amending the written statement it is appropriate to allow the application by imposing suitable cost. Therefore, I proceed to pass the following:

: O R D E R :

IA No. 29 filed by the defendant No.8 U/o.6 rule 17 R/w. Sec.151 of CPC is hereby allowed on cost of Rs.500/-in the ends of justice and equity.

O.S.No.222/2013

For Amendment and
amended written statement.

Call on 01-07-2026.

Sd/-

Addl. Sr. Civil Judge and
JMFC-I, Raichur.