



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE AND
JMFC-I., AT: Raichur.,**

: PRESENT :

**Present: Sri. Shankarappa Malashetti
B.com, L.L.B.,(Spl)**

**Addl. Senior Civil Judge & JMFC-I.,
Raichur.**

O.S.222/2023

Dated this the 06th day of July-2026.

Between.

Smt. Maremma W/o Siddappa,
Age: 60 years, Occ: Agriculture and Household,
R/o. Hospet Village,
Tq and District: Raichur.
Dead by L.Rs.,

1. Siddappa S/o Sawarappa,
Age: 67 years, Occ: Agriculture,
R/o. Hospet Village,
Tq and District: Raichur.
2. Lalappa S/o Siddappa,
Age: 44 years, Occ: Agriculture,
R/o. Hospet Village,
Tq and District: Raichur.
3. Smt. Gangamma W/o Bugappa,
Age: 45 years, Occ: Agriculture and Household,
R/o. Hospet Village,
Tq and District: Raichur.



4. Smt. Parvathi W/o Malleshi,
Age: 41 years, Occ: Agriculture and Household,
R/o. Balimarched Village,
Tq : Manvi and District: Raichur.
5. Smt. Mallamma W/o Suresh,
Age: 35 years, Occ: Agriculture and Household,
R/o. Hospet Village,
Tq and District: Raichur.

...Plaintiffs

And:

1. Smt. Mallamma W/o Amarappa,
Age: 62 years, Occ: Household,
R/o. Marched Village,
Tq and District: Raichur.
2. Smt. Nirmala W/o Mallikarjuna,
Age: 38 years, Occ:Household,
R/o. Marched Village,
Tq and District: Raichur.
3. Smt.Yallamma W/o Kamanna,
Age: 45 years, Occ: Household and Agricultulre,
R/o. Kurdi Village,
Tq: Manvi and District: Raichur.
4. Smt.Shankramma W/o Ramanna,
Age: 40 years, Occ: Household and Agricultulre,
R/o. Turukanadoni Village,
Tq: Manvi and District: Raichur.
5. Smt.Earamma W/o Sharanappa,
Age: 45 years, Occ: Household and Agricultulre,
R/o. Kurdi Village,



Tq: Manvi and District: Raichur.

...Defendants.

PARTIES TO I.A.No.6

Between.

1. Smt. Maremma W/o Siddappa and others

...Applicants / plaintiffs

And.And.

1. Smt. Mallamma W/o Amarappa, and others

... Opponents / defendants

ORDER ON I.A.NO.6

The plaintiffs have filed the IA under Order VI Rule 17 R/w. Section 151 of CPC seeking amendment of the plaint to insert para. No.5(A) and some lines after para No.11 and also include a new prayer in the prayer column.

The defendants have filed objections to the application stating that the application filed by the plaintiffs is not maintainable at this belated stage. The proposed amendment will change the nature of case and cause of action, hence prays to reject the application with



costs.

3. Heard arguments on both sides.

4. The point for consideration are as follows:

1. Whether the plaintiffs have made out grounds to allow the application?

2. What order?

5. My findings on the above points are as under:

Point No.1. In the Affirmative.

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

:REASONS:

6. Point No.1:- The plaintiffs have filed application seeking amendment in the plaint on the ground that recently the defendant No.1 and defendant No. 2 have filed written statement on 14.02.2024 and they have pleaded in the written statement that defendant No.1 has got filed the O.S.No.179/2018 and the said suit was compromised. The said fact came to the knowledge of the plaintiff very recently therefore they wants to insert para No.5(A) the information



stating that the defendant No.1 colluding with the plaintiff and other defendants in O.S. No.179/2018 have filed the said suit, on the file of Principal Senior Civil Judge, Court, Raichur by suppressing the true and real facts and they have obtained the fraudulent compromise decree dated 13.03.2019 without the knowledge and without impleading the plaintiffs of the present case. Therefore, the said compromise decree is not bonding to the plaintiffs. Further to insert after para No.11 the relief of declaration of compromise decree passed in the said suit is illegal and null and void and the said relief is ancillary relief to the main relief. So the payment of separate court fee does not arise. Further in the prayer column after the word Sub Registrar Raichur to insert the words as “and compromise decree dated 13.03.2019 in OS 179/2018 on the file of Principal Senior Civil Judge Raichur”.

7. But the said application is objected by the defendants on the ground that separate suit for setting aside the compromise decree is not maintainable. The plaintiffs have not impleaded the parties of O.S.No.179/2018 in this case and they also not challenged the said



compromise decree. Therefore the proposed amendment is not sustainable hence prays to reject the application.

8. It is a suit for partition and separate possession. Now the plaintiffs have filed application seeking amendment to insert new information in the plaint. Whether the claim of the plaintiff is maintainable or not? That cannot be ascertained at this stage. But they stated that the compromise decree came to their knowledge, only after filing of the written statement by defendant No.1 and 2. So the burden is on the plaintiffs to prove that the said compromise decree is binding on them or not. The proposed amendment will not change the nature of case or cause of action. The defendants have objected on the ground that the plaintiffs have not impleaded the parties of O.S.No.179/2018 and they have not challenged the said compromise decree. But the said aspect could be decided only at the time of final hearing of the suit. So at this stage the objections of the defendants to the amendment application are not sustainable.

9. If the application is not allowed, the plaintiffs will be put to much hardship and loss, which cannot be compensated in terms of



money. By allowing the application, no hardship will be caused to the defendants. In order to avoid the multiplicity of proceedings and to mitigate the litigations, it is appropriate to allow the application. Therefore, the point No.1 is held in affirmative.

10. Point No.2 as per discussion and finding on the above point. I proceed to pass the following:

: O R D E R :

The IA. No.6 filed by the plaintiffs under Order VI Rule 17 R/w. Section 151 of CPC is hereby allowed in the ends of justice and equity.

For amendment and amended plaint.

Call on 13.07.2026.

(Dictated to the Stenographer, directly on computer corrected and then pronounced by me in the open court, this the 06th day July-2026)

Sd/-

Shankarappa Malashetti)
Addl. Senior Civil Judge
& JMFC-I, Raichur.