

IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.,
DEVADURGA

Present:
Sri.Suresh Annappa Savadi., B.A., L.L.B., (SPL).,

Senior Civil Judge & JMFC, Devadurga.

O.S.No.15/2016

DATED : THIS THE 11th DAY OF MARCH 2026

Plaintiffs: Smt.Gangamma W/o. Mallikarjnun

(By Sri.V.M.M., Advocate)

--V/s--

Defendants: Rachanagouda S/o. Ganganagouda
and others.

(D.1(a) by Sri.Venugopal advocate)

(D.2 by Sri.B.G.Advocate)

(D.1(c) by Sri.S.J.Advocate)

(D.2, 3, 13 by Sri.B.K.Advocate)

(D.4 exparte)

(D.5, 6, 8 to 10 & 12 Absent)

(D.7 a & b by Sri.H.L.C Advocate)

Provision under which the application is filed	U/o. 6 rule 17 R/w.Sec.151 of C.P.C.
Relief sought for	To amend the pleadings by substituting the pleadings as mentioned in the application.
The date on which the application is filed	15.04.2025
Number of the application	IA No.XXVIII

The date on which the objections are filed by different opponent	28.01.2026
The date on which the orders were passed on the said application	11.03.2026

ORDER ON IA NO.XXVIII

The defendant no.1(b) filed this application U/o.6 rule 17 of CPC to amend the pleadings by substituting the pleadings as mentioned in the application.

2. In the affidavit contended that due to oversight acting in good faith. The applicant improperly joined the defendant no.14 in the suit and accordingly the reliefs caused at variance, consequently the Hon'ble court may pleased to allow the application and permit the defendant no.1(b) amend the pleadings as stated in the application to adjudicate the real controversial disputes existing in between the parties to the suit. The alleged amendment will not change the basic structure of the claim. Hence prays to allow the application.

3. On the other hand, the plaintiff filed objection. In the objection contended that the defendant no.1(b) who is non other than the daughter of Rachanagouda. The Rachanagouda is non other than real brother of plaintiff. The counter claim of defendant no.1(b) is not maintainable. The above suit was remanded back by the Hon'ble PDJ for fresh trial in accordance

with law. The defendant no.1(b) after remand of the matter has filed her written statement and counter claim the entire reading of the written statement and counter claim is totally against the settled principle of law. Further in the objection pleaded about the facts of the case. Further contended that there is no proper reasons to allow the amendment at this stage. Hence prays to reject the application.

4. Heard both side.

5. Considering the contentions of the parties, following points arise for my consideration.

1. Whether the defendant has made out sufficient ground to allow the application ?

2. What order?

6. My findings for the above points are as under.

Point No.1: In the negative,

Point No.2: As per final order.

For the following,

REASONS

7. **POINT NO.1:-** The plaintiff filed this suit for partition and separate possession against the defendants. The defendant no.1(b) filed application for amendment of pleading of defendant no.1(b). In the accompanying affidavit the defendant

no.1(b) contended that the defendant no.14 was improperly joined. Hence the reliefs caused at variance. Hence it is necessary to allow the application. As per the records in the counter claim of defendant no.1(b) the commissioner CMC, Raichur is the defendant no.14. The alleged amendment is no way concerned in respect of defendant no.14 and there is no reasons in the affidavit in respect of prayer sought in the application. Hence considering the entire material this court is of the opinion that the defendant no.1(b) has not made out grounds to allow the application. Hence this court answered the point No.1 in the negative.

8. **POINT NO.2:** In view of reasons stated in the point No.1 this court proceed to pass the following,

ORDER

The IA No.XXVIII filed by the
defendant no.1(b) U/o.6 rule 17
R/w.Sec.151 of CPC is hereby rejected.

(Dictated to the Stenographer directly on the computer, typed by him corrected by me and then pronounced in the open court on this the 11th day of March 2026).

(Suresh Annappa Savadi)
Senior Civil Judge & JMFC.,
Devadurga.