

KARN220013862020



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE &
JMFC., AT CHANNAPATNA.**

PRESENT : **SRI. SURESHA.S.N.,** B.A., L.L.B,
Addl. Civil Judge & JMFC
Channapatna

Dated:- 4th day of December 2025

O. S. No.152/2020

PLAINTIFFS: Smt.Jayamma

//VERSUS//

DEFENDANTS: Smt.Puttathayamma & Others

I. A. No.III

APPLICANT/S: Smt.Jayamma
..... (plaintiff)
- V/s -

OPPONENT/S: Smt.Puttathayamma & Others
..... (defendants)

i.	Provision under which the application is filed	Under order VI Rule XVII r/w 151 of CPC
ii.	Relief sought for	Amendment of plaint
iii.	The date on which the application is filed	25.06.2025
iv.	Number of the application	I.A. No.III
v.	The date on which the objections are filed by different opponents	11.08.2025

vi.	The date on which the orders were passed on the said application	04.12.2025
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**ORDER ON I.A. NO.VI FILED BY THE APPLICANT UNDER
ORDER VI RULE 17 R/W 151 OF CPC**

The Applicant/the plaintiff has filed this Application/I.A. No.VI under Order VI Rule 17 r/w 151 of CPC., seeking for amend the plaint as sought for below and proceed with the suit:-

Amendment sought for

1. ವಾದ ಪತ್ರದ 2 ನೇ ಪುಟ 3 ನೇ ಪ್ಯಾರಾದ 5 ನೇ ಸಾಲಿನಲ್ಲಿ ನಂ.101/4 ರಲ್ಲಿ 00.28 (ಇಪ್ಪತ್ತೆಂಟು) ಗುಂಟೆ ಎಂಬುದರ ನಂತರ " ಸರ್ವೆ ನಂ.68/5 ರಲ್ಲಿ 0.06¼ (ಆರು ಕಾಲು)ಗುಂಟೆ, ಸರ್ವೆ ನಂ.68/6 ರಲ್ಲಿ 0.26(ಇಪ್ಪತ್ತಾರು) ಗುಂಟೆ, ಸರ್ವೆ ನಂ.69/2 ರಲ್ಲಿ 01.06 (ಒಂದು ಎಕರೆ ಆರು) ಗುಂಟೆ, ಸರ್ವೆ ನಂ.69/3 ರಲ್ಲಿ 0.13 (ಹದಿಮೂರು) ಗುಂಟೆ, ಸರ್ವೆ ನಂ.69/4 ರಲ್ಲಿ 0.03 ¼ (ಮೂರು ಕಾಲು) ಗುಂಟೆ, ಸರ್ವೆ ನಂ.101/2 ರಲ್ಲಿ 0.28(ಇಪ್ಪತ್ತೆಂಟು) ಗುಂಟೆ ಹಾಗೂ ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಕೋಡಂಬಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.200/4 ರಲ್ಲಿ 0.25(ಇಪ್ಪತ್ತೈದು) ಗುಂಟೆ, ಸರ್ವೆ ನಂ.204/3 ರಲ್ಲಿ 2.00 (ಎರಡು ಎಕರೆ) ಪೈಕಿ 0.10 (ಹತ್ತು)ಗುಂಟೆ ಎಂದು ಸೇರಿಸಲು."

2. ವಾದ ಪತ್ರದ 7 ನೇ ಪುಟದ ಷೆಡ್ಯೂಲ್ ಸ್ವತ್ತಿನ ನಂತರ, ಐಟಂ ನಂ.6 ರಿಂದ 13 ರ ಷೆಡ್ಯೂಲ್ ಸ್ವತ್ತುಗಳನ್ನು ಸೇರಿಸಲು,

ಐಟಂ ನಂ.6

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಕೊಂಡಾಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.66/6 ರಲ್ಲಿ 0.04¼ (ನಾಲ್ಕು ಕಾಲು) ಗುಂಟೆ ಜಮೀನಿನಲ್ಲಿನ ಮನೆಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ	ಃ	ಕೆಂಚೇಗೌಡ,
ಪಶ್ಚಿಮಕ್ಕೆ	ಃ	ಚನ್ನೇಗೌಡರ ಜಮೀನು,
ಉತ್ತರಕ್ಕೆ	ಃ	ರಾಜೇಗೌಡ,
ದಕ್ಷಿಣಕ್ಕೆ	ಃ	ರಸ್ತೆ,

ಐಟಂ ನಂ.7

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಹುಣಸನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.68/5 ರಲ್ಲಿ 0.06¼ (ಆರು ಕಾಲು) ಗುಂಟೆ ಜಮೀನಿನಲ್ಲಿನ ಮನೆಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ	ಃ	ಮರೀಗೌಡ,
ಪಶ್ಚಿಮಕ್ಕೆ	ಃ	ಕೃಷ್ಣೇಗೌಡರ,

ಉತ್ತರಕ್ಕೆ ಃ ಬಸವೇಗೌಡ,
ದಕ್ಷಿಣಕ್ಕೆ ಃ ಸವಿತಾ, ಸಿದ್ದೇಗೌಡ,

ಐಟಂ ನಂ.8

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಹುಣಸನಹಳ್ಳಿ ಗ್ರಾಮದ
ಸರ್ವೆ ನಂ.68/6 ರಲ್ಲಿ 0.26 (ಇಪ್ಪತ್ತಾರು) ಗುಂಟೆ ಜಮೀನಿಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ ಃ ಕರೀತಿಮ್ಮನ ಕೃಷ್ಣೇಗೌಡ,
ಪಶ್ಚಿಮಕ್ಕೆ ಃ ಚೌಡೇಗೌಡ, ಕುಳ್ಳೇಗೌಡ,
ಉತ್ತರಕ್ಕೆ ಃ ಚಿಕ್ಕದೇವನ ರವಿ,
ದಕ್ಷಿಣಕ್ಕೆ ಃ ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ,

ಐಟಂ ನಂ.9

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಹುಣಸನಹಳ್ಳಿ ಗ್ರಾಮದ
ಸರ್ವೆ ನಂ.69/2 ರಲ್ಲಿ 1.06(ಒಂದು ಎಕರೆ ಆರು ಗುಂಟೆ) ಗುಂಟೆ ಜಮೀನಿಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ ಃ ದುಂಡಮ್ಮ ಮೋಟೇಗೌಡ,
ಪಶ್ಚಿಮಕ್ಕೆ ಃ ಚಿಕ್ಕವೆಂಕಟಯ್ಯ,
ಉತ್ತರಕ್ಕೆ ಃ ಚೌಡೇಗೌಡ, ಕುಳ್ಳೇಗೌಡ,
ದಕ್ಷಿಣಕ್ಕೆ ಃ ಸರೋಜಮ್ಮ,

ಐಟಂ ನಂ.10

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಹುಣಸನಹಳ್ಳಿ ಗ್ರಾಮದ
ಸರ್ವೆ ನಂ.69/3 ರಲ್ಲಿ 0.13(ಹದಿಮೂರು) ಗುಂಟೆ ಮತ್ತು ಸರ್ವೆ ನಂ.69/4 ರಲ್ಲಿ 0.03¼ (ಮೂರು
ಕಾಲು) ಗುಂಟೆ ಜಮೀನು ಒಂದು ತಾಕಿನಲ್ಲಿ ಇರುವ ಜಮೀನಿಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ ಃ ಚೌಡೇಗೌಡ, ಕುಳ್ಳೇಗೌಡ
ಪಶ್ಚಿಮಕ್ಕೆ ಃ ಭಾಗ್ಯಮ್ಮ, ಪುಟ್ಟರಾಜು
ಉತ್ತರಕ್ಕೆ ಃ ಚಿಕ್ಕವೆಂಕಟಯ್ಯ, ಗುಂಡಾಡೇಗೌಡ
ದಕ್ಷಿಣಕ್ಕೆ ಃ ಗುಂಡಯ್ಯ ಚಂದ್ರಯ್ಯ,

ಐಟಂ ನಂ.11

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಪುರ ಹೋಬಳಿ, ಹುಣಸನಹಳ್ಳಿ ಗ್ರಾಮದ
ಸರ್ವೆ ನಂ.101/2 ರಲ್ಲಿ 0.28(ಇಪ್ಪತ್ತೆಂಟು) ಗುಂಟೆ ಜಮೀನಿಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ ಃ ಬಸವರಾಜು ಬಿನ್ ರಾಜೇಗೌಡ
ಪಶ್ಚಿಮಕ್ಕೆ ಃ ಕೆಂಪಾಜಮ್ಮ, ಶಿವಣ್ಣ,
ಉತ್ತರಕ್ಕೆ ಃ ಚನ್ನೇಗೌಡ,
ದಕ್ಷಿಣಕ್ಕೆ ಃ ದುಂಡಮ್ಮ,

ಐಟಿಂ ನಂ.12

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಿಪುರ ಹೋಬಳಿ, ಕೋಡಂಬಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.200/4 ರಲ್ಲಿ 0.25(ಇಪ್ಪತ್ತೈದು) ಗುಂಟೆ ಜಮೀನಿಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ	ಃ	ಬಸವರಾಜು, ಚೌಡೇಗೌಡ,
ಪಶ್ಚಿಮಕ್ಕೆ	ಃ	ಚನ್ನೇಗೌಡ, ದೊಡ್ಡೇಗೌಡ,
ಉತ್ತರಕ್ಕೆ	ಃ	ನಾಗರಾಜು, ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ
ದಕ್ಷಿಣಕ್ಕೆ	ಃ	ವಿಜಯ, ಬಸವರಾಜು

ಐಟಿಂ ನಂ.13

ರಾಮನಗರ ಜಿಲ್ಲೆ, ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ವಿರೂಪಾಕ್ಷಿಪುರ ಹೋಬಳಿ, ಕೋಡಂಬಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.204/3 ರಲ್ಲಿ 2.00(ಎರಡು ಎಕರೆ) ಜಮೀನಿನ ಪೈಕಿ 0.10(ಹತ್ತು) ಗುಂಟೆ ಜಮೀನಿಗೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ	ಃ	ಮರೀಗೌಡ, ಚನ್ನೇಗೌಡ
ಪಶ್ಚಿಮಕ್ಕೆ	ಃ	ಬಸವರಾಜು, ಚೌಡೇಗೌಡ
ಉತ್ತರಕ್ಕೆ	ಃ	ನಂಜೇಗೌಡ
ದಕ್ಷಿಣಕ್ಕೆ	ಃ	ಮುತ್ತಯ್ಯ, ತಿಪ್ಪಯ್ಯ ಎಂಬುದನ್ನು ಸೇರಿಸಲು ಅವಶ್ಯಕವಾಗಿರುತ್ತದೆ.

2. The present IA accompanying with affidavit wherein stated that, the plaintiff has filed this suit against the defendants seeking for relief of partition and separate possession. As regard the remaining schedule properties in the said suit, at the time of filing the suit, the plaintiff was not aware of the schedule Item No.6 to 13 and since the records of the properties of item No.6 to 13 were received late, it is very necessary to include the said properties in the suit as they are ancestral properties. She being a plaintiff in the suit, she filing the said application for amendment. Further submits that, proposed amendment does not change the nature of the suit as well as does not introduce new cause of action. No prejudice or loss would be caused to the

other side if the annexed application is allowed. On the other hand, if the same is refused, the plaintiff will be put to great loss and hardship, which cannot be compensated by any means. Hence prays to allow the application.

3. Per contra, the defendants have filed their objection to the IA No.III and contended that, the plaintiff filed by the application is not maintainable either in law or on facts the same has been dismissed in limine. The plaintiff filed a suit against the defendants for partition and other reliefs. After receipt of summons defendants appeared and filed written statement by denying plaintiff averements and propositor bequeath will in favour of family members by partitioned ancestral and self-acquired properties, same was known to plaintiff, accordingly, enjoying their shares. Properties mentioned in the application are self-acquired properties of Chowdegowda same was assigned through will. Said properties are not available for partition. Present amendment thoroughly changes earlier defence taken by the defendant. Present amendment is oppose to law, that cannot be entertainable. Proposed amendment will create fuss around teh defence taken by defendants in the suit. The reason stated in the affidavit filed in support of the application do not disclose any

just or valid reasons to grant relief. Under the above circumstances defendants prays to reject the application.

4. Heard the counsel for applicant/plaintiff and defendants on IA No.III.

5. Upon hearing arguments and on perusal of materials placed on record, the following points that would arise for my consideration.

1) Whether the applicant/the plaintiff has made out sufficient grounds to allow IA No.VI?

2) What order?

6. My findings to the above points are as under:

Point No.1 : In the Affirmative

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

REASONS

7. POINT NO.1: The applicant/SPA holder of the plaintiff has filed IA No.III U/order 6 Rule 17 r/w 151 of CPC seeking permission to amend the plaint in the said application as sought for. The present suit is filed for the relief of partition and separate possession. After issuance of suit summons, defendants appeared before the Court through their counsel and filed w/s. Thereafter the issues are framed and suit is for further cross of PW.1. At this stage the applicant has filed this application seeking

to amend the plaint by inserting/deleting the plaint as per the application mentioned below. further contending that, the proposed amendment is necessary to prove his case as the said property of the plaintiff.

8. I have given my anxious consideration to the submission made by both parties.

9. Before going into the factual matrix of the case, we will have to see the law laid down by the Hon'ble Supreme Court of India in the matter of amendment of pleadings. The Hon'ble Supreme Court has laid down certain principles while considering the application for amendment in judgment reported in **(2009) 8 MLJ 907/(2009) 10 SCC 84 in the case of Ravajeethu Builders and Developers V/s. Narayanaswamy & sons and others** held as follows -

By taking into consideration that large number of applications under order 6 Rule 17 of CPC are filed and all Courts in India are flooded with such cases and indiscriminate filing of applications of amendment is one of the main causes of delay in disposal of civil cases, formulated some basic principles which shall be taken into consideration while allowing or rejecting the application for amendment.

- (1) Whether the amendment sought is imperative for proper and effective adjudication of the case.**
- (2) Whether the application for amendment is bonafide or malafide.**
- (3) The amendment should not cross such prejudice to the other side which cannot be compensated adequately in terms of money.**
- (4) Refusing amendment would in fact lead to injustice or lead to multiple litigation.**
- (5) Whether the proposed amendment constitutionally or fundamentally changes the nature and character of the case.**
- (6) As a general rule the Court should decline amendments if a fresh suit on the amendment claims would be barred by limitation on the date of application.**

10. In the judgment reported in **(2009) 8 MLJ 907 in the case of Ravajeethu Builders and Developers V/s Narayanaswamy & sons and others** the Hon'ble Supreme Court after quoting various judgments laid down the facts to be considered while considering the application for amendment which are as follows: -

- I. Whether amendment is necessary to decide real controversy. The first condition which must be satisfied before the amendment can be allowed by the Court whether such amendment is necessary**

for the determination of the real question in controversy. If that condition is not satisfied the amendment cannot be allowed. This is the basic test which should govern the Courts discretion in grant or refusal of the amendment.

II. No prejudice or injustice to other party.

The other important condition which should govern the discretion of the Court is the potentiality of prejudice or injustice which is likely to be caused or other side. Ordinarily, if other side is compensated by costs, then there is no injustice but in practice hardly any Courts grants actual costs to the opposite side.

III. The Courts have very wide discretion in the matter of amendment of pleadings but Courts powers must be exercised judiciously and with great care.

11. In **Gangabhai V/s Vijayakumar** the Court has rightly observed the power of Court to amend undoubtedly and wide may at any stage.

12. At this juncture, it is better to know the provision of law. **Order 6 Rule 17 of CPC – Amendment of pleadings –**

the court may at any stage of the proceedings allow either party to alter or amend his pleading in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

13. Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in-spite of due diligence, the party could not have raised the matter before the commencement of trial.

14. In the present the applicant filed the present application seeking permission amend the plaint by way of inserting the plaint. In all cases we cannot come to the common opinion because the decidable factors involves in every case in different ways. As discussed above I opined that the present application U/order 6 Rule 17 of CPC is to be deserved for allowed. Accordingly, Point No.1 is answered in the **Affirmative**.

15. **POINT NO.2:** In view of my answer to the above Point No.1, and the reasons assigned therein, I proceed to pass the following :

ORDER

I.A.No.III filed by the applicant/the plaintiff under Order 6 Rule 17 r/w 151 of CPC is hereby **allowed** on cost of Rs.500/- payable to the defendants or counsel.

For amendment and amended plaint.

Call on 07.01.2026.

(Dictated to the Stenographer directly on computer, typed by her, the same is corrected, revised, signed and then pronounced by me in the open court, on this the 04th day of December 2025).

**(Suresha S.N.)
Addl.Civil Judge & JMFC.,
Channapatna.**

Order pronounced in the Open Court)
(Vide separate Order)

ORDER

I.A.No.III filed by the applicant/the plaintiff under Order 6 Rule 17 r/w 151 of CPC is hereby **allowed** on cost of Rs.500/- payable to the defendants or counsel.

For amendment and amended plaint.

Call on 07.01.2026.

**Addl.Civil Judge & JMFC.,
Channapatna.**