

KARN220011382023



**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:- 3<sup>rd</sup> day of December 2025**

**O. S. No.76/2023**

**PLAINTIFFS:** Smt.Pallavi S.,

//VERSUS//

**DEFENDANTS:** Sri.Srinivasareddy Dead by LR's

**I. A. No.VII**

APPLICANT/S: Smt.Pallavi S.,  
..... (plaintiff)

- V/s -

OPPONENT/S: Sri.Srinivasareddy Dead by LR's  
and 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	28.04.2025
iv.	Number of the application	I.A. No.VII
v.	The date on which the objections are filed by different opponents	- Not filed
vi.	The date on which the orders were passed on the said application	03.12.2025

**ORDER ON I.A. NO.VII FILED BY THE APPLICANT UNDER  
ORDER VI RULE 17 R/W 151 OF CPC**

The Applicant/plaintiff has filed this Application/I.A. No.VII 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) Delete 1/4<sup>th</sup> in para No.6 and add 1/3rd instead of 1/4<sup>th</sup>.
- 2) Delete 1/4<sup>th</sup> in the prayer (a) and Add 1/3rd instead of 1/4<sup>th</sup>.

2. The present IA accompanying with affidavit wherein stated that, applicant/plaintiff is deposing hereunder on her own behalf and swear to this affidavit. The plaintiff has filed this suit against the defendants seeking for relief of partition and separate possession and other reliefs of the suit schedule properties. After filing the suit the defendants No.1 is dead on 28.02.2023, hence

the plaintiff share in the suit schedule properties is 1/3rd instead of 1/4<sup>th</sup> due to this, it is very necessary to amend the plaint and share of the plaintiff. The court may kindly appreciate the genuine reasons of the plaintiff and give permission to amend the plaint. 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, they will be put to great loss and hardship, which cannot be compensated by any means. Hence prays to allow the application.

3. Per contra, both defendants and counsels absent, no representation. Hence, objection to IA No.VII taken as not filed.

4. Heard the counsel for applicant/plaintiff on IA No.VII.

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 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/plaintiff has filed IA No.IV 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 plaint. Thereafter issues has been framed by this Court. When the matter is set down for plaintiffs evidence, 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 their 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 deleting

/inserting prayer column in 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.VII filed by the applicant/  
plaintiff under Order 6 Rule 17 r/w 151  
of CPC is hereby **allowed** on cost of  
Rs.500/- payable in favour of TLSC,  
Channapatna.

For amendment and amended  
plaint.

*(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 **03<sup>rd</sup> 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.VII filed by the applicant/ plaintiff under Order 6 Rule 17 r/w 151 of CPC is hereby **allowed** on cost of Rs.500/- payable in favour of TLSC, Channapatna.

For amendment and amended  
plaint.

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