

**ORDERS ON I.A. FILED U/O.6 RULE 17 R/W SEC.151**  
**OF C.P.C.**

The Plaintiff has filed this I.A. No.VII Under order 6 Rule 17 R/w Sec.151 of C.P.C. on 29-10-2025 seeking amendment of the plaint as sought in the I.A.

2. In the accompanying affidavit the Plaintiff has stated that, plaintiff has filed the present suit for declaration and permanent injunction. The plaintiff submits that, the defendants, have filed their written statement. In the written statement, they have inter alia, contended that a partition suit is pending in respect of the suit schedule property along with other properties and that the relief of declaration of title sought in the present suit is therefore not maintainable. He is a bonafide purchaser for valuable consideration and is in continuous physical possession and enjoyment of the suit schedule property. The primary and immediate necessity of plaintiff is to protect his lawful possession from the illegal interference and obstruction caused by the defendants. I am advised by my counsel and verily believes that in view of the defense taken by the defendants regarding the pendency

of a partition suit, the prayer for declaration of title may lead to unnecessary complications or delay in the disposal of the suit on the merits of the injunction relief, which is paramount for me to safeguard my property.

Further plaintiff submits that, to streamline the proceedings, simplify the issues for effective adjudication and primarily seek the relief of permanent injunction to protect my existing possession, I find it necessary to delete the prayer for declaration of title and possession from the plaint. The proposed amendment is necessary for the purpose of determining the real question in controversy between the parties and does not change the nature of the suit or cause any prejudice to the opponents that cannot be compensated by costs. The amendment is sought at an appropriate stage and will serve the ends of justice and equity. The amendment is necessitated by the subsequent pleading of the defendants and is required for the determination of the real question in controversy. The proposed deletion is in the interest of justice and equity and will not result in any justice or change the substratum of the suit. There has been no undue

delay in making this application. The necessity arose only after the filing and scrutiny of the written statement by my counsel. On all these grounds plaintiff prays to allow the application.

**3.** On the the defendant counsel filed objection to the said application and submits that, the application filed by the plaintiff is not maintainable. The suit schedule property belongs to defendant same was gifted on 15.05.1942, in the name of Deviramma. The said Deviramma had two children by name Doddathimmamma and Chikkathimmamma are enjoyed the suit schedule property. There was no division it was taken place between Doddathimmamma and Chikkathimmamma. The plaintiff created gift deed in his name and alleged that same was gifted to him by Chikkathimmamma. The same was not binding on the share of children of Doddathimmamma. The suit schedule property not belongs to plaintiff and not in possession of the suit schedule property. The application filed by the defendant is not maintainable in the eye of law. Hence prays to dismiss the case with exemplary cost.

4. I have heard both sides and perused the records.
5. This suit is for the relief of declaration and permanent injunction and such other reliefs. The applicant/Plaintiff wants to amend the plaint as sought in the I.A.
6. I have also gone through Order VI Rule 17 of CPC, which reads as under;

***“ 17. Amendment of pleadings: The court may at any stage of the proceedings allow either party to alter or amend his pleadings 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;***

***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”***

7. The amendment in the pleading is to be allowed if the amendment sought for the purpose of determining the real question in controversy between the parties. Hence considering this point and in order to avoid multiplicity of proceedings the proposed amendment

is just and necessary. As such this application is deserves to be allowed. Accordingly, this court proceed to pass the following:

**: ORDER :**

**The I.A. No.VII filed by the plaintiff U/o.6 R 17 of C.P.C hereby allowed with cost of Rs. 500/-.**

**The Plaintiff hereby permitted to amend the plaint as sought for.**

**For amendment.**

**Sd/-  
(VINAY .V. KUNDAPUR)  
II Addl. Civil Judge & JMFC.,  
Kanakapura.**

(Order pronounced in open court vide separate order)

**: ORDER :**

The I.A. No.VII filed by the plaintiff U/o.6 R 17 of C.P.C hereby allowed with cost of Rs. 500/-.

The Plaintiff hereby permitted to amend the plaint as sought for.

For amendment.

**Call On: 20.02.2026**

**II Addl. Civil Judge & JMFC.,  
Kanakapura.**

