

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

The plaintiff No.2 has filed this I.A. No.VII Under order 6 Rule 17 R/w Sec.151 of C.P.C. on 19-12-2025 to permit them to amend the plaint by making following amendment in the plaint as sought in the I.A.

2. In the accompanying affidavit the plaintiff No.2 has stated that, plaintiffs have filed the present suit for partition and separate possession of our legitimate share over the suit schedule properties. After filed above suit the survey numbers of the suit schedule properties have been phoded and given new survey numbers to the suit schedule properties of item No.1, 3, 4, 7 and 8 and accordingly, at the time of filing the above suit the survey number of item No.1 of the suit property was Sy No.102, but after filing the above suit it has been phoded as new Sy No.102/1 and survey number of item No.3 of suit property was 98, but after filing the suit it has been re-phoded as New Sy No.98/3, and at the time of filing the suit, the survey number of item No.4 was 100/1, but after filing the above suit it has been phoded as New. Sy No.100/6. Similarly, at the time of filing the above suit the

survey number of item No.5 was 123/3, but after filed the above suit it has been phoded as New Sy No.123/7 and in the said survey number the katha of property measuring 0-17.12 guntas was stood in the name of my father Chowdegowda @ Goonegowda. But by oversight, the extent of said Sy No.123/3 New Sew Sy No.123/7 is wrongly mentioned as 0-11 $\frac{3}{4}$ guntas instead of 0-17.12 guntas, the katha of said property measuring 0-17.12 guntas is standing in the name of my father Chowdegowda @ Goonegowda and the said extent also has to be rectified by way of this amendment.

Further plaintiff No.2 submits that, at the time of filing the above suit the survey number of item No.6 of the plaint was 124/1 measuring 1 acre 16 guntas, but after filed above suit it has been phoded as Sy No.124/2 measuring 1 acre 04 guntas and Sy No.124/9 measuring 0-12 guntas. In the item No.7 of the suit property of Sy No.125/2 the katha of the land measuring 0-34.08 guntas is standing in the name of my father Chowdegowda @ Goonegowda. But by oversight, the extent of said Sy No.125/2 is wrongly mentioned as 0-34 guntas instead of 0-34.08 guntas, but the katha of property measuring 0-34.08 guntas is

standing in the name of my father Chowdegowda @ Goonegowda and the said extent also has to be rectified. I have herewith produced the RTC extracts of the above said newly phoded properties for kind perusal of this Hon'ble court. She submits that said new survey numbers of suit schedule properties have been phoded during pendency of the above suit, but we came to know the said illegal phody very recently about 15 days back when we obtained RTC extracts of said properties. The amendment of said newly phoded survey numbers of suit schedule properties in the plaint schedule is necessary to adjudicate the subject matter of the above suit. On all these grounds plaintiff prays to allow the application.

3. On the other hand defendant No.1 has filed objection to the present application and contended that, the application filed by the Plaintiff is not maintainable either in law or on facts and the same are liable to be dismissed in limine. The applicant has sworn to a false affidavit. The defendant No.1 further submits that, the the plaintiffs contend that the survey numbers of the suit schedule properties were phoded after filing of the suit and they came to know about the same

only recently. The said contention is false, untenable. The alleged phody was done before filing this case and the plaintiffs were well aware of the same much earlier. Hence, the plea of recent knowledge is only to over come the bar of delay. The plaintiffs are attempting to introduce new survey numbers and altered extents during the pendency of the suit, which would enlarge the scope of the suit and necessitate fresh issues, additional evidence and further cross-examination. The same is impermissible under order 6 rule 17 of CPC. The plaintiffs have admitted that certain extents mentioned in the plaint schedule were wrongly stated cannot be a ground for amendment at this belated stage. The plaintiffs cannot be permitted to file up lacunae in their case the under the guise of amendment. The claim of the plaintiffs that the alleged phody proceedings before the competent revenue authorities, the plaintiffs cannot seek amendment of the plaint schedule and indirectly question the revenue records in the present suit. If the plaintiffs do not know about the proposed amendment at the time of giving instructions to their counsel to file the suit if it is not correct just to dragon the case. The plaintiffs have

filed the above application and it is most humbly requested that this Hon'ble court be pleased to reject the above application with cost. Hence they field the present application. On all the grounds defendant prays to dismiss the application with exemplary cost.

4. I have heard both sides and perused the records.

5. This suit is for the relief of partition and separate possession 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 mater 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 No.2
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 No.2 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: 11.03.2026

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