



O.S./43/2018 (Or.)

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

**:-Present:-**

Smt.Dhanalakshmi.M. B.A.L., LL.B.,  
Addl. Civil Judge & JMFC.,  
Magadi.

**Dated this the 18<sup>th</sup> day of July, 2025**

**O. S. No.43/2018**

**PLAINTIFFS** : Sri.Chikkaveeraiah S/o Late Ganganna.  
:Vs:

**DEFENDANTS** : Sri.Mallanarasaiah and others.

**I.A. No.IX**

- APPLICANTS** :1. Sri.Mallanarasaiah,  
(Since dead as abated)
2. Sri.Mallanarasaiah,  
S/o Late Narasimhaiah,  
Aged about 56 years,
3. Smt.Mariyamma,  
W/o Mallanarasaiah,  
Aged about 45 years,
4. Sri.Lokesh,  
(Since dead, abated on 04.02.2023)



5. Sri.Rangashamaiah,  
S/o Late Rangaiah,  
Aged about 45 years,

6. Smt.Radha,  
W/o Rangashamaiah,  
Aged about 40 years,

Defendant No.5 and 6 are  
residing at Lakshmidevi Nagara,  
Kudur Bypass road,  
Kudur, Kudur Road,  
Magadi Taluk,  
Ramanagara District.

7. Smt.Jayamma,  
W/o Rangaiah,  
Aged about 65 years,

Defendant No.1 to 4 and 7 are  
Residing at Subbannanapalya Village,  
Kudur Hobli,  
Magadi Taluk,  
Ramanagara District.

8. Smt.Bhagyamma,  
W/o Lokesh,  
Aged about 35 years,  
Residing at Subbannanapalya Village,  
Kudur Hobli,  
Magadi Taluk,  
Ramanagara District.

**( Sri.T.R.B, Adv.,)**



**OPPONENT** : Sri.Chikkaveeraiah,  
S/o Late Ganganna,  
Aged about 70 years,  
Residing at Subbannanapalya Village,  
Kudur Hobli,  
Magadi Taluk,  
Ramanagara District.

**(By Sri.C.K.R.Adv)**

**PREAMBLE**

1	Provision under which the application is filed	Under Order 6 rule 17 of CPC read with Section 151 of CPC.
2	Relief sought for	For amendment of written statement.
3	The date on which the application is filed	06.03.2024
4	Number of the application	I.A. No.IX
5	The date on which the objections are filed by different opponents	13.11.2024
6	The date on which the order was passed on the said application	18.07.2025

**ORDER ON I.A.No.IX filed by the Defendant No.2 to 8  
U/O.VI R.17 of C.P.C.,**

The learned advocate for the defendant No.2 to 8 have filed the present I.A., U/o VI Rule-17 of CPC seeking to permit



him to amend the written statement in the above case, in the interest of justice and equity and the case is at the stage of plaintiff evidence.

2. The facts that defendants proposed to amend are as follows:

1) In Page-3, Para-4 in line-2 of the Written statement after the word enjoyment, the Grama Thana property" is to be deleted and in the same inserting the word place as "in the Sy. No.138 of Hulikal Village, Kudur Hobli, Magadi Taluk"

2) In Page-4, Para-9, in line-3 of the written statement after the word encroaching, "Grama Thana Property" is to be deleted and in the same place inserting "Sy.No.138 of Hulikal Village, Kudur Hobli, Magadi Taluk measuring as stated in Para-5 -7"

3) And in same Para-9 in line-8 after the word 'enjoyment of the "Grama Thana Property" is to be deleted and in the same place by inserting as



"Sy.No.138 of Hulikal Village, Kudur Hobli, Magadi Taluk measuring as stated in Para-5 – 7".

4) And in same Para-9 in line-12 after the word 'enjoyment of the "Grama Thana Property" is to be deleted and in the same place by inserting as "Sy.No.138 of Hulikal Village, Kudur Hobli, Magadi Taluk measuring as stated in Para-5-7"

5) In Page-5, in line-2 after the word 'covered the' "Grama Thana Property" is to be deleted and in the same place by inserting as "Sy.No.138 of Hulikal Village, Kudur Hobli, Magadi Taluk measuring as stated in Para-5-7"

6) In Page-5, Para-11, in line-2, 4 and 5 the words "Grama Thana Property" is to be deleted and in the same places by inserting as "Sy.No.138 of Hulikal Village, Kudur Hobli, Magadi Taluk measuring as stated in Para-5-7"

7) In Page-3, Para-5 in line-5 after the word 'plaintiff' "i.e., suit schedule properties", is to be deleted and in



the same place insert the words as "in Sy.No.137/1 of Hulikal Village"

8) In Page-3, Para-6 in line-5 after the word 'plaintiff "i.e., suit schedule properties", is to be deleted and in the same place insert the words as "in Sy.No.137/1 of Hulikal Village"

9) In Page-3, Para-7 in line-5 after the word 'plaintiff "i.e., suit schedule properties", is to be deleted and in the same place insert the words as "in Sy.No.137/1 of Hulikal Village"

3. The reasons ventilated by the defendant in the affidavit annexed to this application is that, the plaintiff filed suit against the defendant for the relief of permanent injunction with respect to suit schedule property. At the preparing for cross-examination by enquiry, the defendants came to know that, they are in possession and enjoyment of the property of land bearing Sy.No.138 situated at Hulikal Village, Kudur Hobli, Magadi Taluk but, at the time of



preparing written statement, the defendants know that, they are in possession and enjoyment of suit schedule property i.e., grama thana property. The said mistake was by oversight and typographical error and not intentional one. The proposed amendment will not change the nature of suit. Hence, the proposed amendment is just and necessary for proper adjudication of the case. Hence, prays to allow the application.

4. Per contra plaintiff has filed objection and denied the application avernement and stated that, when the matter is posted for cross of plaintiff, at this stage the defendants have filed present application. In the present case the matter already trail has commenced and the application filed by the defendants is not maintainable. Further, the defendants have not produced any documents to show that, they are in possession and enjoyment of property bearing Sy.No.138 situated at Hulikal Village, Kudu Hobli, Magadi Taluk and



there is no property existence in the said survey number belongs to the defendants. Hence, prays to reject the application.

5. Heard arguments from both the sides.

6. After going through application with affidavit points arise for consideration of this court:

**1. Whether the application filed by the defendants is deserves to be allowed ?**

**2. What Order?**

7. The findings of this court on the above said points are as under:-

**Point no.1** : In the “**Affirmative**”  
**Point no.2** : As per order  
for the following :

**REASONS**

8. **Point No.1:** The present suit is filed by the plaintiff against the defendants for relief of permanent injunction with respect to the suit schedule property.

9. The case was posted for cross of PW-1. The cross of



PW-1 has still not commenced. By allowing the application, no loss, inconvenience and hardship will be caused to the defendants, as the defendants will have the right to cross-examination the witness from the said aspect. If the amendment application is not allowed definitely the same will lead to multiplicity of proceedings. It is well settled law that, mere delay in filing the application or bar of limitation is not the sole ground to reject the application for amendment of pleadings.

10. In a decision of our own Hon'ble High Court reported in **2007(4) KCCR 2249 (Zavuera Ferrao and another Vs. Therasa Ferrao)**, in which the Hon'ble High Court of Karnataka clearly held that:

*“That rule of amendment is essentially a rule of justice, equity and good conscience and the power of amendment should be exercised in the larger interest of doing full and complete justice to the*



*parties before the Court.”*

11. In another decision reported in **2019 SAR (Civil) 441, (Varun Pahwa Vs. Mrs.Renu Chowdary)** in which the Honb'le Apex Court held that,

*“ Amendment in the pleadings cannot be refused merely because of some mistake, negligence, inadvertence or even infraction of the rules of procedure.”*

The above said decisions are aptly applicable to the case in hand. In order to adjudicate the rights of the parties, the proposed amendment is quite essential. Hence, in the touch stone of the reasons stated above it is just and proper to allow the application. Accordingly, the Points under consideration are answered in the '**Affirmative**'.

12. **Points No.2:-** In view of the “**Affirmative**” findings on point No.1, the application deserves to be allowed. Accordingly, I proceed to pass the following;



**ORDER**

IA No.IX filed by the defendants Under Order-VI Rule-17 R/w section-151 of CPC is hereby allowed.

The defendants are permitted to amend the written statement as prayed in the IA.

The defendants shall carry out the amendment and shall produce the amended written statement.

(Directly dictated to Stenographer directly on the Computer, typed by her, then corrected and pronounced by me in the open Court on this the **18<sup>th</sup> day of July, 2025.**)

**Addl. Civil Judge & J.M.F.C.,  
Magadi.**