



O.S./360/2015 (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 05th day of August, 2025

O. S. No.360/2015

PLAINTIFF : Smt.Lakshamma
W/o Siddalingaiah.

:Vs:

DEFENDANTS : Smt.Arasamma,
W/o Late Puttalingaiah and others

I.A. No.V

APPLICANT : Smt.Lakshamma,
W/o Siddalingaiah
Aged about 48 years,
Residing at Shambudevanahalli,
Madabal Hobli,
Magad Taluk,
Ramanagara District.

(Sri.M.V.S., Adv.,)

OPPONENTS : Smt.Arasamma,
W/o Late Puttalingaiah,



Aged about 85 years,
Residing at Shambudevanahalli,
Madabal Hobli,
Magad Taluk,
Ramanagara District.

2. Smt.Mahadevamma,
D/o Late Puttalingaiah,
W/o Venkatappa,
Aged about 60 years,
Residing at Ramasandra Village,
Kengeri Hobli, Bengaluru South Taluk.
3. Smt.Jayamma,
W/o Chamaiah,
D/o Late Puttalingaiah,
Aged about 56 years,
Residing at Shambudevanahalli,
Madabal Hobli,
Magad Taluk,
Ramanagara District.
4. Smt.Shivamma,
D/o Late Puttalingaiah,
W/o Nagaraju,
Aged about 54 years,
Residing at Ullalu Upanagara,
Vishwaneedam Post,
Bengaluru South Taluk.
5. Smt.Gangamma,
D/o Late Puttalingaiah,
W/o Ramakrishnaiah,
Aged about 52 years,
Residing at Shambudevanahalli,



Madabal Hobli,
Magad Taluk,
Ramanagara District.

6. Smt.Gowramma,
D/o Late Puttalingaiah,
W/o Rajagopa,
Aged about 50 years,
Residing at Kittanahalli Village,
Kengeri Hobli,
Bengaluru South Taluk.
7. Smt.Gangalakshamma,
D/o Late Puttalingaiah,
W/o Ramamurthy,
Residing at Hulibande,
Benikote Taluk,
Dharmapuri District.

(D2, 3, 5 By Sri.R.S.Adv)
(D4 and 7 By Sri.K.M.P.Adv)
(D5 By Sri.K.H.P.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 plaint.
3	The date on which the application is filed	02.03.2024
4	Number of the application	I.A. No.V



5	The date on which the objections are filed by different opponents	19.04.2024
6	The date on which the order was passed on the said application	05.08.2025

ORDER ON I.A.No.V filed by the Plaintiff U/O.VI R.17 of C.P.C.,

The learned advocate for the plaintiff has filed the present I.A., U/o VI Rule-17 of CPC seeking to permit him to amend the plaint in the above case, in the interest of justice and equity and the case is at the stage of defendants evidence.

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

In the plaint after para No.3 to add one more para as para No.3(a): It is submitted that the suit schedule properties was belongs to the father of the plaintiff and defendant no. 2 to 7 and husband of the first defendant by



name Sri.Puttagangaiah, after his death the plaintiff and defendants have jointly inherited and succeeded the suit schedule properties and they are in joint possession and enjoyment of the suit schedule properties and there is no partition among the plaintiff and defendants in the suit schedule properties and the plaintiff and defendants have got equal right and share over the suit schedule properties. After the death of the father of the plaintiff, the first defendant being the mother of the plaintiff and other defendants in collusion with the Panchaythi officials manages to get the revenue entries in to her name behind the back of the plaintiff. During the pendency of the suit, the first defendant and third defendant have colluded each other with a Malafied intention created a gift deed dated 10-10-2022 alleged o have been executed by the first defendant in favour of the third defendant. The first defendant had no right to execute the alleged gift deed dated 10-10-2022 in favour of the third defendant with respect to the item no. 1



of the suit schedule property and under the alleged gift deed the third defendant has not derived any manner of right title interest or possession over the same. That the plaintiff is not party to the alleged gift deed, so the said gift deed is no way binding to the plaintiff.

In the prayer column after the word as per law insert the following:

By holding that the alleged gift deed dated 10.10.2022 executed by the first defendant in favour of the third defendant with respect to the item No.1 of the suit schedule property in the office of the Sub registrar, Magadi vide registration No.MGDD1251 dated 11.10.2022 is not binding on the plaintiff.

3. The reasons ventilated by the plaintiff in the affidavit to this application are that the present suit has been instituted for partition, separate possession, and other reliefs in respect of the suit schedule properties. It is stated that the



suit properties belonged to the plaintiff's deceased father, late Sri Puttalingaiah, and upon his demise, the plaintiff and the defendants jointly succeeded to the same. During the pendency of the suit, defendant No.1, in collusion with defendant No.3, is alleged to have executed a gift deed dated 10.10.2022 in favour of defendant No.3 in respect of Item No.1 of the suit schedule property. The plaintiff further states that he has recently come to know that the khatha of the said property has also been transferred in the name of defendant No.3. As the plaintiff claims a right and share in the suit schedule properties, it is contended that the proposed amendment is just and necessary for proper adjudication. It is asserted that the amendment will not change the cause of action or the nature of the suit. Hence, prays to allow the application.

4. Per contra, defendants No.1 to 3, 6 and 7 have filed their objections, denying the averments made in the



application and contending that the same is not maintainable. It is urged that the plaintiff has not produced any document along with the application to substantiate the allegation regarding the gift deed dated 10.10.2022. They further submit that allowing the amendment would cause them great hardship and result in injury which cannot be compensated in any manner. 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 plaintiff 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 seeking the relief of partition and separate possession in respect of the suit schedule properties. By way of the present application under Order VI Rule 17 CPC, the plaintiff seeks permission to insert an additional paragraph as para No. 3(a) immediately after the existing para No. 3 of the plaint, and to amend the prayer column by adding, after the words “as per law”, an additional relief concerning the alleged gift deed dated 10.10.2022 executed by defendant No.1 in favour of defendant No.3 relating to Item No.1 of the suit schedule property.

9. The amendment is sought on the ground that the deed was created during the pendency of the suit and is not binding on the plaintiff. The defendants have opposed the



application. On consideration, the Court finds that the amendment relates to a subsequent event directly connected with the suit property, does not alter the nature of the suit or the original cause of action, and is necessary for proper adjudication to avoid multiplicity of proceedings. As the matter is at the stage of defendants' evidence and has not yet commenced, no irreparable prejudice will be caused to them, who can file an additional written statement and lead evidence.

10. In a decision of out 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, 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.V filed by the plaintiff
Under Order-VI Rule-17 R/w section-
151 of CPC is hereby allowed.

The plaintiff is permitted to
amend the plaint as prayed in the IA.

The plaintiff shall carry out the
amendment and shall produce the
amended plaint.

(Directly dictated to Stenographer directly on the Computer,
typed by her, then corrected and pronounced by me in the
open Court on this the **05th day of August, 2025.**)

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