

KASM710003372025



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,
SORABA**

PRESENT

SRI.R.CHANDRAPPA HONNUR, M.A.LL.B(Spl.)
Senior Civil Judge and JMFC, Soraba.

DATED THIS THE 2ND DAY OF FEBRUARY 2026

OS NO.50/2025

PLAINTIFFS: Sri. Veerappa and others
// Versus //

DEFENDANTS: Sri. Chandrappa and others

IA No.3

APPLICANT/ : Sri. Manjunatha
PLAINTIFF NO.3

(By Sri. C C B., Adv.)

// Versus //

OPPONENTS/ : Sri. Chandrappa and others
DEFENDANTS

**(D1 to 4 by Sri. O S., Adv.)
(D5 by Sri. N K., Adv.)
(D6-Exparte)**

i	Provisions under which the application is filed	U/o. 6 Rule 17 r/w sec. 151 of CPC
ii	Relief sought for	Amendment of plaint

iii	The date on which the application is filed	23.10.2025
iv	Number of the application	IA No.3
v	The date on which the objections are filed by different opponents	24.11.2025
vi	Date on which the order was passed on the said application	02.02.2026

ORDER ON IA NO.3

When the matter is posted for await mediation report, the plaintiff No.3 has filed IA No.3 U/o. 6 Rule 17 r/w sec. 151 of CPC for amendment of plaint.

2. The plaintiff No.3 has sworn to an affidavit in support of IA No.3, he stated in the affidavit that they have filed a suit against the defendants for partition and separate possession of their share in the suit properties. While adjusting the page numbers of the plaint as well as taking print out of the plaint from the computer, through oversight para 9(a) as prayed in IA No.3 was left out. The deponent further stated that he has already stated in para 9 of the plaint that the cause of action for the suit on 25.08.2025. If the application is allowed, it will not change the nature of suit and no harm would be caused to the other side hence, prayed to allow the application.

3. The application filed by the plaintiff No.3 is opposed by the defendants No.1 to 5 by contending that the application filed by the plaintiff No.3 is not maintainable in law and facts. The plaintiffs have filed this application to drag on the

proceedings. The defendants have prayed in the written statement to reject the plaint. If the application is allowed, nature of the suit would be changed hence, prayed to reject the application.

4. I have heard learned counsel appearing for the parties and perused the material on record.

5. The following points would arise for my consideration:

1) Whether the proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties?

2) What order?

6. My findings to the above points as follows:

Point No.1: In the affirmative

Point No.2: As per the final order for the following;

REASONS

7. **POINT NO.1:** The plaintiffs have filed a suit for partition and separate possession of their share in the suit properties. The defendants No.1 to 5 have appeared through their counsel. The defendants No.1 and 5 have filed separate written statement. The defendants No.2 to 4 have adopted the written statement filed by defendant No.1 by filing a memo. The defendant No.6 has remained absent and set exparte. The defendants No.1 to 4 have pleaded in para 7 of the written statement that there is no mention about the cause of action for the suit and jurisdiction of the court. The defendant No.5 has pleaded in para 6 of the written

statement that there is no mention about the cause of action for the suit and jurisdiction of the court.

In the decision reported in 2012 SCCR 425 Ramesh Kumar Agarwal V/s. Rajmala Exports Pvt. Ltd., and others, the Hon'ble Apex Court has held that court must not refused bonafide, legitimate, honest and necessary amendments and should never permit malafide and dishonest amendments. It is further held that courts while deciding such prayers should not adopt a hyper technical approach-Liberal approach should be general rule particularly in cases where other side can be compensated with costs.

In the instant case the plaintiffs have pleaded in para 9 of the plaint that the cause of action for the suit arose on 25.08.2025. Further the suit properties are located within the jurisdiction of this court. The plaintiffs have stated in the valuation slip that the suit properties are valued at Rs. 15,00,000/- and share of the plaintiffs valued at Rs.11,25,000/- for the purpose of jurisdiction of the court as well as payment of court fee. The proposed amendment would not change the nature of suit. The objections raised by the defendants not sustainable. The proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties. The application filed by the plaintiffs deserves to be allowed by imposing cost and the same can be compensated to other side. Accordingly, point No.1 answered in the affirmative.

8. **POINT NO.1:** In view of the finding recorded on point No.1, I proceed to pass the following:

ORDER

IA No.3 U/o. 6 Rule 17 r/w sec. 151 of CPC
filed by the plaintiffs is allowed on cost of
Rs.1,000/-.

The plaintiffs are permitted to amend the
plaint as prayed in IA No.3 and furnish amended
plaint in duplicate along with verifying affidavits
and statement of truth.

(Dictated to the stenographer directly on the computer, typed by her, corrected and then pronounced by me in the open court on this the 2nd day of February, 2026)

(SRI. R.CHANDRAPPA HONNUR)
Senior Civil Judge & JMFC, Soraba