

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
AND JMFC, AT GUBBI.**

Dated: this the 02nd Day of February 2026

**Present: Smt.ANUPAMA D.
B.Com.,LL.B.,
Prl.Senior Civil Judge & JMFC**

O.S.71/2019

Plaintiffs: Venkatachalamma & Another

V/s

Defendants: Smt.Anusuyamma & Others

Parties in I.A.

Applicant: Smt.Jayamma (Deft. No.3)

V/s

Opponents : Venkatachalamma & Another (Plaintiffs)

Provision under the Application	U/O.VI Rule 17of CPC
Relief sought for	Amend the W.S.

The date on which the application is filed	24-10-2025
I.A. No.	
Date on which objection filed by the plaintiffs	19-11-2025
Date on which orders passed	02-02-2026

ORDERS ON I.A. FILED BY THE 3rd DEFENDANT U/O.VI

RULE 17 OF CPC

This application is filed by the defendant No.3 by seeking permission of this Court to incorporate some more details in her written statement as contended in the application.

2. It is stated in the affidavit filed in support of the application that, when she was preparing herself for further cross examination of PW-1, she came to know that certain facts have not been pleaded in her written statement. Suragenahalli Kaval Village and Surigenahalli are two distinct villages. She and other defendants have purchased the

properties situated in Surigenahalli Kaval. In order to prove that they have purchased the property which is situated within the boundaries as given in their sale deeds and also their vendors have purchased the land situated at Surigenahalli Kaval, the present amendment is very much necessary. The land bearing Sy.No.29 of Surigenahalli Kaval and the land bearing Sy.No.29 of Surigenahalli Village are having separate and distinct boundaries. This fact is well within the knowledge of the plaintiff. The plaintiffs and their ancestors were not the owners of land bearing Sy.No.29 of Surigenahalli Village. The ancestors of plaintiffs have purchased the land situated in Surigenahalli Kaval and not in Surigenahalli Village. In order to prove the above said fact, she has filed this application for amendment of the written statement. The said facts she wants to introduce by way of amendment are material facts to prove her case. The non inclusion of said facts in the written statement is bonafide and unintentional one. The amendment sought for is not inconsistent with the facts that she has already pleaded in her

written statement. No new case has been introduced by way of amendment. On these grounds prays to allow the application.

3. Per contra, the plaintiffs have filed objections by contending that the present suit is one for declaration of title and recovery of possession. The facts pleaded now in the application are inconsistent with the real facts. The case is now posted for cross examination of PW-1. At this juncture, this I.A. is filed in order to cause hardship to the plaintiffs. Through this application, the defendant no.3 is now introducing new defense in the suit which is contrary to the written statement. The defendant no.3 has pleaded false boundary to Sy.No.29 of Surugenahalli Kaval, Kasaba Hobli and Sy.No.43 of Chakenahalli Village, Kadaba Hobli, Gubbi Taluk. The proposed amendment is not at all necessary to adjudicate the matter before this Court. The defendant no.3 has utterly failed to prove due diligence which is very much necessary to consider the present application. The real boundary of land bearing Sy.No.29 as per sale deed dated:29-07-1946 of Surigenahalli Kaal is bounded on East: land of

Ramaiah in Sy.No.28, West: Land of Mudalagiriappa in Sy.No.30/2, North: Land in Narasaiah in Sy.No.33 and South: Road. On these grounds he prays to dismiss the application.

4. I have heard both sides and carefully gone through the pleadings.

5. The points that would arise for my consideration are;

- 1) Whether the defendant no.3 has proved her due diligence to consider the present application?
- 2) Whether the defendant no.3 is entitled for the relief as sought for?
- 3) What order?

6. My answer to the above points are:-

Point Nos.1-2 :- In the Affirmative

Point No.3 :- As per final order

For the following;

REASONS

7.**Point No.1 & 2** :- Since these two points are interlinked with each other, they are taken up together for common discussion.

8. In this case, the plaintiffs have filed this suit against the defendants seeking the relief of declaration and recovery of possession of suit 'B' schedule property from defendants no.2 and 3. Now the present case is set down for further cross examination of PW-1. At this juncture, the defendant no.3 has filed this application in order to incorporate some more details with regard to property situated in Surigenahalli Kaval and Surigenahalli Village which are two distinct villages. It is her contention that she has not pleaded the said fact in her written statement and while she was preparing for further cross examination of PW-1, she came to know about the same. Accordingly, she has filed this application. As such, this is the suit for the declaration and recovery of possession. More burden lies upon the plaintiff to prove that he is the absolute owner of 'A' schedule property. Defendants No.2 and 3 have encroached suit B schedule property which belongs to him. Accordingly, he is entitled for recovery of possession of the said property. According to the details of schedule A and B of this suit, the properties which have been explained are

situated at Surigenahalli Kaval, Kasaba Hobli, Gubbi Taluk. Now the defendant no.3 wanted to incorporate some more details with regard to Sy.No.29 of Suragenahalli Kaval and the very same Sy.No. of Suragenahalli Village. The defendants no.1 to 3 have already taken up defense with regard to their properties is concerned. However, now they wanted to incorporate these details with regard to give some more explanation with regard to two distinct villages and the properties situated under the same Sy.No. in those two villages. Since some issues have also been framed against the defendants o.1 to 3, the burden lies upon them to prove the same. Hence, in order to give a fair opportunity to defendants no.1 to 3 to prove those issues, consideration of this application will serve the purpose. Hence, in my considered view, the present application deserves to be allowed. Accordingly, I answer Point no.1 & 2 in Affirmative.

9. **.POINT NO.3:-** For the foregoing reasons, I proceed to pass the following:

ORDER

I.A. filed by the defendant No.3 U/O.6
Rule 17 of CPC is hereby Allowed.

The defendant no. 3 is permitted to
carryout amendment in the written
statement as prayed in the application.

Accordingly, the defendant no.3 is
directed to carry out amendment in the
written statement and to file amended
written statement, without fail on or before
next date of hearing.

(Dictated to the Stenographer, transcribed, computerized and print-out
taken by her and then corrected, signed and pronounced by me in the
Open Court on 02-02-2026).

Sd/-

(Smt.ANUPAMA D.)
Prl.Senior Civil Judge & JMFC.,
Gubbi.