



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE & JMFC,
GUBBI.**

PRESENT

**SMT. POORNIMA K. YADAV, B.A.LL.B., LL.M.,
Addl. Sr. Civil Judge & JMFC, Gubbi.**

Dated on this the 28th day of November, 2023

ORIGINAL SUIT NO. 52/2020

**Plaintiff/s : Ramanna
(By. Sri. C.R.B., Adv.)**

Vs.

**Defendant/s : Gowramma and others
(D1 &2 by Sri. B.C.S.K. Adv.,)
(D7 &8 By Sri. N.R.C. Adv.,)
(D3 to 6 & 10 by Sri. M.S.N. Adv.,)
(D8, 9 & 11 by absent)
(D3(a)(b) by Sri K.T.P. Adv.,)**

PARTIES TO I.A.NO. IX

Applicant/plaintiff : Ramanna

Vs.

Opponents/defendants: Gowramma and others



Provision under the Application	Under Order 6 Rule 17 of CPC
Application Relief sought for	Proposed amendment to the plaint
The date of the application is filed Interlocutory Application Number	04.10..2023
Interlocutory Application Number	IX
Date of objection filed by the Respondent	16.11.2023
Date of order passed	28.11.2023

Sd/-
(POORNIMA K. YADAV)
Addl. Senior Civil Judge &
JMFC, Gubbi.

: ORDERS ON I.A.NO.IX:

When the matter was pending for plaintiff evidence, the present application came to be filed.

- 2.** The applicant/plaintiff through his counsel filed this application Under Order 6 Rule 17 of CPC seeking for amendment of plaint.

PROPOSED AMENDMENT

“ In Page No.2 Para No.2 in line No.3 after the word plaintiff “and 3 daughters namely Shivamma, Gangamma and Shanthamma.”

2. In page No.2 Para No.2 in line No.



8 agter the word submitted “that during the life time father of the plaintiff and decided Siddaramaiah he has” - to be deleted.

3. In Page No.2 Para No.2 in line No.8 after the word submitted “the father of the plaintiff had” - to be added. .

- 3.** The application is accompanied with the affidavit of the plaintiff, wherein it is stated that the present suit is filed for Partition and separate possession in respect of suit schedule property. The proposed amendment could not be sought for due to typographical error and mistake. The proposed amendment does not change the nature of suit or cause of action. Hence, sought to allow the application.
- 4.** On the other hand, the counsel for the defendants filed objection and contended that the application is not maintainable and it is liable to be rejected. It is contended that the plaintiff filed the present application only to drag on the proceedings even though he is aware of the family members. Hence, sought to reject the application.
- 5.** Heard the counsel for the plaintiff and the defendants.



6. Upon hearing both the counsel and on perusal of the materials available on record, the points that arise for my consideration is;

Whether the amendment sought for is necessary for proper adjudication of the matter in dispute?

7. My findings to the above point is in the “**Affirmative**” for the following ;

REASONS

8. Admittedly, the plaintiffs filed this suit seeking relief of Partition and separate possession of the plaintiff's legitimate share in the suit schedule properties on the ground that they are the ancestral and joint family properties of the plaintiff and the defendants.
9. The plaintiff by way of amendment intends to state te details of family members.
10. Order 6 Rule 17 of CPC provides of amendment of pleadings which are necessary for the purpose of determining the real questions in controversy between the parties.
11. The materials on record discloses the fact that the trial has not yet commenced. When the plaintiff is before the court



seeking his share in the properties and amendment regarding family members details, if not allowed it will not be able to understand the family details of the plaintiff and the defendants. In the said circumstances, this court is of the opinion that the proposed amendment is necessary for adjudication of the real controversy between the parties. However the delay in filing the application is compensated by imposing cost. Accordingly, I proceed to pass the following :

ORDER

***I.A. No.IX filed by the plaintiff
under Order 6 Rule 17 of CPC is
hereby Allowed on cost of Rs. 500/-***

***Plaintiff counsel shall carry out
necessary amendment and file
amended plaint.***

(Directly dictated to the stenographer on the computer, printed through steno, corrected by me and then pronounced in the open court on this the **28th day of November, 2023**)

Sd/-
(POORNIMA. K. YADAV)
Addl. Sr. Civil Judge & JMFC,
Gubbi