

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

Dated: this the 12th Day of February 2026

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

O.S.91/2019

Plaintiff: Smt.Sarvamangala Rep.by SPA holder
Smt.Chaitra

V/s

Defendants: Renukamma & Others

Parties in I.A.No.XV

Applicant: Smt.Sarvamangala Rep.by SPA holder
Smt.Chaitra (Plaintiff)

V/s

Opponents : Renukamma & Others (Defendants)

Provision under the Application	U/O.VI Rule 17of CPC
Relief sought for	Amendment of plaint cause title and prayer
The date on which the application is filed	24-01-2026
I.A. No.	XV
Date on which objection filed by the defendant No.3	28-01-2026
Date on which orders passed	12-02-2026

ORDERS ON I.A.XV FILED BY THE PLAINTIFF U/O VI RULE
17 OF CPC

This application is filed by the plaintiff by seeking permission of this Court to carryout amendment in the cause title of plaint and prayer, as prayed in I.A.

2. It is stated in the affidavit filed by the SPA holder of plaintiff that the present suit is filed by the plaintiff against the defendants for the relief of partition and separate possession of her legitimate share over the suit schedule property. At the time of filing the suit, due to typographical error, the age of the defendant no.1 was wrongly mentioned as 43 years instead of 70 years and also age of defendant no.2 was wrongly mentioned as 70 years instead of 43 years. The said mistake is bonafide one and not intentional one.

It is further submitted that, during the pendency of this suit, the defendant no.1 herein by curtailing the right of the plaintiff has illegally executed the sale deed in respect of the suit Item No.3 in favour of defendant no.6

in order to gain unlawfully vide registered sale deed dated: 12-10-2023. It is further submitted that the defendant no.2 by curtailing the right of the plaintiff has illegally executed the gift deed in respect of suit Item No.4 in favour of defendant no.5 in order to gain unlawfully vide registered gift deed dated: 19-04-2024. After came to know the above transactions, she has filed an application under Order 1 Rule 10(2) of C.P.C. to bring them as defendant no.5 and 6. The said I.A. was allowed and permitted to amend the plaint on the next date of hearing. She has amended the plaint. Further on verification made by her, it is come to know that the proposed amendment No.2 is not done. Hence, she has filed this application. On these grounds, she prays to allow the application.

3. Per contra, the defendant No.3 has filed her objections to the present application by contending that this application is filed at belated stage. When the matter was posted for defendant's evidence, at this stage, this

application is filed. The plaintiff has already sought amendment. The proposed amendment relating to sale deed dated:12-10-2023 and gift deed dated: 20-04-2024 are clearly intended to fill up lacuna exposed during cross examination of PW-1. The proposed amendment will change the nature of suit and also introduce additional reliefs declaring sale deed and gift deed as not binding. The proposed amendment also causes irreparable hardship to the defendants as they have already conducted cross examination. Only to drag on the proceedings this application is filed. On these grounds, she prays to dismiss the application.

4. I have heard both sides and carefully gone through those documents.

5. The points that would arise for my consideration are:-

- 1) Whether the plaintiff has proved her due diligence to consider the present application?
- 2) Whether the plaintiff is entitled for the relief as sought for?
- 3) What order?

6. My answers to the above points are as follows:

Point No.1 & 2 : In 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.

7(a) Admittedly, this suit is one filed by the plaintiff against the defendants for the relief of partition and separate possession of her legitimate share in the suit properties. Now the present case is set down for evidence of defendants' side. At this juncture, the plaintiff has filed this application by seeking permission of the Court to amend the plaint in order to amend the age of defendants no.1 and 2 as it has been interchanged while drafting the pleadings and also for seeking one more prayer with regard to registered sale deed dated:12-10-2023 and registered gift deed dated:20-04-2024 executed by defendant no.1 in favour of defendant no.6 with respect

to suit item No.3 and defendant no.2 in favour of defendant no.5 with respect to suit Item No.4 are not binding on the share of plaintiff. This is the suit of the year 2019 and this application is filed in the year 2026. It is the contention of plaintiff that during the pendency of the suit, in order to defraud right of the plaintiff over the suit properties, the defendants have executed the registered sale deed and gift-deed in the year 2023 and 2024. Recently she came to know about this fact. Hence, she has filed this application.

7(b) As such, this is the suit for partition and separate possession with respect to suit properties and during the pendency of suit since defendants No.1 and 4 have got executed the registered sale deed and registered gift deed on 12-10-2023 and 20-04-2024 respectively with regard to suit item No.3 and 4 and as contended by the plaintiff, she came to know about the said fact recently, an opportunity may be provided to the plaintiff for seeking one more prayer as those sale deeds and gift deed do not binding upon her share over the suit

schedule properties. If this application is allowed, no hardship would be caused to the defendants instead, if it is dismissed, much hardship will be caused to the plaintiff as the defendants no.1 and 4 alienated the suit Item No.3 and 4 during the pendency of the suit. Hence, I answer these two points in Affirmative.

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

ORDER

IA XV filed by the plaintiff u/o VI rule
17 of C.P.C is hereby Allowed.

No order as to costs.

Accordingly, the plaintiff is permitted to
carry out the amendment in the original
plaint, as prayed in the application and to
file the amended plaint.

(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 12-02-2026).

Sd/-

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