



**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 08th day of June, 2026

ORIGINAL SUIT NO. 222/2024

Plaintiff/s :1. Shivalingaiah,
S/o Late Nandaiah,
Aged about 36 years,

2. Asha
D/o Late Nandaiah,
Aged about 30 years,

3. Baby
D/of Late Nandaiah,
Aged about 27 years,

All ar R/at Madhanaghatta Village,
Nitturu Hobli,
Gubbi Taluk,
Tumakuru District.

(By Sri. G.H.R., Adv.,)

DEFENDANTS: 1. Puttamma
W/o Late Nandaiah,
Aged about 62 years,

2. Chikkagangamma
D/o Late Nandaiah,
Aged about 42 years,

3. Bhagyamma
W/o Late Nagaraju,
Aged about 35 years,



4. Madesha
S/o Late Nagaraju
Aged about 16 years,
5. Chikkarathna,
D/o Late Nagaraju,
Aged about 13 years,

Defendants No. 4 and 5 are minors
Represented by their Natural
Guardian mother Bhagyamma,

6. Kempanarasamma
W/o Late Chikkadoddaiah,
Aged about 74 years,
7. Shashikala
W/o Late Mahalingappa,
Aged about 40 years,
8. Chaithra
D/o Late Mahalingappa,
Aged about 14 years,
9. Inchara
D/o Late Mahalingappa,
Aged about 14 years,

Defendant No. 1 to 9 are
R/at Madhanaghatta Village,
Nittur Hobli,
Gubbi Taluk,
Tumakuru District.

(D1 to D5 Exparte)

(D6 to d9 by Sri M.D.S., Adv.,)

**PARTIES TO I.A.NO.VII****Applicant :** Chaitra**(Defendant No.8)****Vs.****Opponent :** Shivalingaiah and Others**(Plaintiffs)**

Provision under the Application	Under Order 6 Rule 17 of CPC
Application Relief sought for	Proposed amendment to the written statement of defendant No.8.
The date of the application is filed Interlocutory Application	18.03.2026
Interlocutory Application Number	VII
Date of objection filed by the Respondent	28.04.2026
Date of order passed	08.06.2026

Sd/-

(POORNIMA K. YADAV)

Addl. Senior Civil Judge &
JMFC, Gubbi.**:ORDERS ON I.A.NO.VII:**

When the matter was pending for further cross-examination of PW1, the present application came to be filed.

2. The defendant no. 6 to 9 through their counsel filed this



application under Order VI Rule 17 of CPC seeking for amendment of written statement.

PROPOSED AMENDMENT

*“1) In written Statement to Add: Page No.8,
Para No. 16(a)*

The defendants No. 6 to 9 submits that, in the year 1951-52, the said land bearing Survey number 50/5 measuring 0-32 guntas, Survey number 47/p measuring 0-10 guntas, Survey number 47 measuring 0-10 guntas was granted by Government to one Nandaiah the father of plaintiffs. After the said grant, the said Nandaiah the father of plaintiffs has sold the above said survey number land to Siddaramaiah and Revanna and Shivarudraiah and Amrutesh under a registered sale deed. After the death of plaintiffs father Nandaiah the 1st plaintiff has filed a PTCL petition before Assistant commissioner, Tumkuru regarding the said mentioned Survey numbers, under PTCL Act in PTCL No 21/2019-20 against the said Siddaramaiah,



Revanna, Shivarudraiah and Amrutesh.
The said PTCL petition was dismissed on
14-10-2020. As such when the said
PTCL petition was not dismissed. The
said plaintiffs has filed an Original Suit
against this defendants before this
Hon'ble Court. The plaintiffs are no
where related to this suit schedule
properties. The plaintiff have not
included all properties in this above
suit."

- 3.** The application is accompanied with the affidavit of the defendant No. 8 wherein it is stated that the plaintiffs filed the suit seeking relief of partition and separate possession. The proposed amendment pleadings could not be pleaded in the written statement. There are documents relating to the suit and the proposed amendment. The error committed at the time of preparation of the written statement is bona fide and not intentional. If the application is allowed, no harm will be caused to the plaintiffs. Hence sought to allow the



application.

4. On the other hand, the counsel for the plaintiffs filed objections to the application and contented that the application is not maintainable and it is liable to be rejected. It is contented that the affidavit filed in support of the present application by the defendant No. 8 is false. It is contented that on the basis of the pleadings issues are already framed and evidence of plaintiff is closed and the matter is pending for cross examination of PW1. As such the application is not maintainable. It is contented that the present application is filed only with an intention to drag on the proceedings when the matter was posted for cross-examination of PW1. Hence sought to reject the application.
5. Heard both the counsel
6. Upon hearing both the counsel and on perusal of the materials available on record, the point 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. The materials on record discloses that plaintiffs no. 1 to 3 filed the present suit seeking relief of partition and separate possession of their legitimate share in Item No. 1 to 6 of the suit schedule properties. It is the case of the plaintiffs that the suit schedule properties belonged to the propositus named Rangaiah and the plaintiff, defendant no. 1 to 9 are the family members of the said Rangaiah. The plaintiffs pleaded that the suit schedule properties are the ancestral and joint family properties of the said Rangaiah as such they are entitled for share in the suit schedule properties.
9. The defendant no. 6 to 9 by way of amendment to the written statement seeks to plead the facts that lands



bearing Survey No. 50/5 measuring 32 guntas, 47/P measuring 10 guntas, 47 measuring 10 guntas were granted by the government to one Nandiah i.e., the father of the plaintiffs and after grant the said Nandiah sold the lands to one Siddharamiah, Revanna, Sivarudriah and Amrutesh under registered sale deed. The defendants intends to plead facts about filing of PTCL petition by the father of plaintiff No. 1 Nandiah, which came to be dismissed on 14.10.2020. And they intend to plead that the plaintiffs are not related to the suit schedule properties.

- 10.** On perusal of the written statement filed by defendant No. 6 to 9, it is seen that the defendants pleaded about relinquishment of rights by the father of plaintiff No. 1, Nandaiah under Registered Release Deed dated 15.11.1980. Now, by way of amendment, they intend to plead that Item No. 3 to 5 of the suit schedule properties are sold by the father of plaintiff No. 1.
- 11.** As the suit is for partition and separate possession, it is



necessary that the details of the suit schedule properties are pleaded properly so that there is effective adjudication of the rights of the parties over the suit schedule properties. The proposed amendment relates to the subject matter of the suit. As such it is necessary for effective adjudication of the matter in dispute. If the proposed amendment is not considered, there cannot be adjudication over Item No. 3 to 5 of the suitable properties relating to the sale deed executed by the father of plaintiff No. 1. In the said circumstances, this Court is of the opinion that the proposed amendment is necessary for adjudication of the matter in dispute. As the materials on record disclose that the trial has already commenced, the delay in filing the application is compensated by imposing costs. Accordingly, I proceed to pass the following :

ORDER

***I.A. No. VII filed by the
defendant No.6 to 9 under Order***



***6 Rule 17 of CPC is hereby
allowed on costs of Rs.500/-.***

***Defendant No. 6 to 9 shall
carry out necessary amendment
and file amended Written
statement.***

(Directly dictated to the stenographer on the computer,
printed through steno, corrected by me and then
pronounced in the open court on this the **8th day of
June, 2026**)

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