



**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 4th day of March, 2026

ORIGINAL SUIT NO.306/2024

Plaintiff/s : Smt. Geetha @ Siddagangamma
W/o Kumar,
D/o Basappa,
Aged about 50 years,
R/at Kottanahalli Village,
Mallasandra Post,
Tumakuru.

(By Sri. M.R., Adv.,)

DEFENDANTS: 1. Smt. Parvathamma
W/o Late Basappa
Aged about 70 years.

2. Sri. Ramesh
S/o Late Basappa
Aged about 45 years.

Both are
R/at N. Mattighatta village,
Nittur Hobli,
Gubbi Taluk,
Tumakuru.

(D1 &2 by Sri B.K.L, Adv.,)

PARTIES TO I.A.NO. IX

Applicant : Ramesh

(Defendant No.2)



Vs.

Opponent : Geetha

(Plaintiff)

Provision under the Application	Under Order 6 Rule 17 of CPC
Application Relief sought for	Proposed amendment to the written statement of defendant No.1 and 2
The date of the application is filed Interlocutory Application Number	30.01.2026
Interlocutory Application Number	IX
Date of objection filed by the Respondent	07.02.2026
Date of order passed	04.03.2026

Sd/-

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

:ORDERS ON I.A.NO.IX:

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

2. The defendant No.2 through his counsel filed this application Under Order 6 Rule 17 of CPC seeking for amendment of written statement.



PROPOSED AMENDMENT

“After the Para No.13 insert para No.14.

It is submitted that father of the plaintiff and father of the 2nd defendant sold the ancestral property in favour of one Ravish with respect to Sy. No. 158/3 measuring 0-11 guntas and it is highly costly property for the marriage expenses of the plaintiff in the year 1992 and the same is within the knowledge of the plaintiff, the plaintiff suppressing the real fact file the suit. The father of the plaintiff used the said sale consideration amount for the marriage purpose of the plaintiff and also remaining amount is handed over the plaintiff as a partition by way of cash. And also the suit is barred by law of limitation and also the mother of the plaintiff transferred of Rs. 5,00,000/- amount to plaintiff account on 13.12.2019. It is also well within the knowledge of the plaintiff.”

- 3.** The application is accompanied with the affidavit of the defendant No.2, wherein it is stated that at the time of filing of the written statement by the defendant No.1 and 2, certain documents could not be secured from the competent authority. As such, the proposed amendment



is necessary to prove the case of the defendants. Hence, sought to allow the application.

4. On the other hand, the counsel for the plaintiff filed objection and contended that the application is not maintainable and it is liable to be rejected. It is contended that in this suit issues are framed and the plaintiff has completed her side of evidence and the matter is pending for defendant evidence. The affidavit annexed to the application shows that there is no proper reason assigned and there is no document with respect to land bearing Sy. No. 158/3 pertaining to the sale deed of the year 1992. 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 plaintiff has filed this suit seeking relief of partition and separate possession of her 1/3rd share in the suit schedule ‘A’ and ‘B’ properties.
9. The defendant No.2 by way of amendment intends to plead the facts regarding sale of ancestral property bearing Sy. No. 158/3 measuring 11 guntas for the marriage expenses of the plaintiff in the year 1992 wherein the sale consideration amount was used for the marriage of the plaintiff and remaining amount was handed over to the plaintiff in cash by way of partition towards her share. Further, the mother of the plaintiff transferred Rs. 5,00,000/- to the account of the plaintiff on 13.12.2019.
10. The proposed amendment is objected by the plaintiff on the ground that the matter is pending for defendant evidence and there is no supporting document of Sy. No.



158/3 and sale deed of the year 1992. There is no document to show regarding mode of transfer.

- 11.** It is specific to mention that as the present suit is for partition and separate possession, the proposed amendment relates to the giving of share to the plaintiff by way of cash, sale of an ancestral property and transfer of Rs. 5,00,000/- to the plaintiff by her mother, the said facts requires adjudication for the purpose of determining the real controversy between the parties so that there is final adjudication to the dispute between them. If the application is not allowed, there cannot be adjudication with respect to land bearing Sy. No. 158/3 and transfer of Rs. 5,00,000/- made to the plaintiff by her mother.
- 12.** The burden is upon the defendant No. 1 and 2 to prove the said facts sought in the amendment. That apart the counsel for the defendants have produced copy of sale deed dated 23.05.1992 and copy of account statement of Smt. Parvathamma W/o Basavaraju showing transaction dated 13.12.2019 to the account of the plaintiff.



- 13.** No doubt there is delay in filing the application but the proposed amendment is necessary for adjudication of matter in dispute. Hence, the delay in filing the application is compensated by imposing costs. Accordingly, I proceed to pass the following :

ORDER

***I.A. No. IX filed by the
defendant No.2 under Order 6
Rule 17 of CPC is hereby allowed
on costs of Rs.1,000/-.***

***Defendant No.2 shall carry
out necessary amendment.***

(Directly dictated to the stenographer on the computer, printed through steno, corrected by me and then pronounced in the open court on this the **04th day of March, 2026**)

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