



**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 25th day of June, 2026

ORIGINAL SUIT NO. 274/2025

Plaintiff/s : Nethravathi
W/o Kariyappa,
D/o Late Shivanna,
Aged about 58 years,
R/at Nittur, Nittur Hobli,
Gubbi Taluk,
Tumakuru District.

(By Sri. K.C.N., Adv.,)

DEFENDANTS: 1. Manjunatha
S/o Late Shivanna,
Aged about 60 years,
R/at B. Kodihalli Village,
Kadaba Hobli,
Gubbi Taluk.

2. Sumangala B.G.
W/o Nagaraju B.r.
Aged about 38 years,
R/at Bommenahalli Village,
Nittur Hobli,
Gubbi Taluk.

(D1 by Sri. C.R.B., Adv.,)

(D2 by Sri. R.S.R., Adv.,)

PARTIES TO I.A.NO.VII



Applicant : Manjunatha

(Defendant No.1)

Vs.

Opponent : Nethravathi

(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.
The date of the application is filed Interlocutory Application	15.06.2026
Interlocutory Application Number	VII
Date of objection filed by the Respondent	30.06.2026
Date of order passed	25.07.2026

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

:ORDERS ON I.A.NO.VII:

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

2. The defendant No. 1 through his counsel filed this application under Order VI Rule 17 of CPC seeking for amendment of written statement.



PROPOSED AMENDMENT

“In page No. 3, after para No:15 16. The suit is not valued properly and the court fees paid is insufficient-to be added”

3. The application is accompanied with the affidavit of the defendant No.1 wherein it is stated that the plaintiff has filed this suit seeking relief of partition and cancellation of relinquishment deed dated 08.08.2003. The valuation slip filed by the plaintiff shows that he has not valued the relief No. (c) in the prayer of the plaint. As per the relinquishment deed dated 08.08.2003 as produced by the plaintiff, the amount of Rs. 10,00,000/- is received by the plaintiff to relinquish her right over the suit schedule property. The plaintiff ought to have valued the said relief at Rs. 10,00,000/- and she has to pay Court Fee for Rs. 10,00,000/- but the plaintiff has valued the said relief for Rs. 1,000/- and paid Rs. 25/- towards the Court Fee. Due to inadvertence the said fact was not pleaded and the said mistake is bonafide and unintentional. Hence



sought to allow the application.

4. On the other hand, the counsel for the plaintiff 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 suit schedule property is the agriculture land as such, the court fee paid is sufficient. 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 plaintiff filed the



present suit seeking relief of partition and separate possession of her half share in Item No. 1 to 5 of the suit schedule properties by holding that sale deed in favour of defendant No.2 is not binding on the share of the plaintiff and for cancellation of registered relinquishment deed dated 08.08.2023 as null and void.

- 9.** The defendant No.1 intends to amend the written statement to plead that the suit is not valued properly and court fee paid is insufficient on the ground that the plaintiff has to pay court fee for relief No. (c) i.e., with regard to the relinquishment deed on the value of Rs. 10,00,000/- i.e., the amount mentioned in the relinquishment deed as received by the plaintiff.
- 10.** The plaintiff objected the present application on the ground that as the suit schedule properties are agriculture lands, court fee paid is sufficient.
- 11.** On perusal of the written statement filed by the defendant No.1, it is seen that he has failed to plead about court fee paid by the plaintiff as insufficient. The



defendant No. 1 by way of amendment intends to plead the said facts.

12. As the defendant has every right to challenge the court fee paid by the plaintiff as insufficient, it becomes necessary to plead the facts about insufficient court fee. In this case the plaintiff intends to plead the said fact by way of amendment on the ground that due to inadvertence, the proposed amendment was not pleaded in the written statement of the defendant No.1.

13. As the proposed amendment is with regard to the valuation of the suit and court fee paid by the plaintiff, it is necessary for adjudication of the matter in dispute. As 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.1 under Order 6
Rule 17 of CPC is hereby allowed***



on costs of Rs.1,000/-.

***Defendant No.1 shall carry
out necessary amendment and
filed 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 **25th day of
July, 2026**)

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