



**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 24th day of March, 2026

ORIGINAL SUIT NO.222/2023

Plaintiff/s :1. Lavanya C.N.
D/o Nataraju
W/o Charan K.N.
Aged about 23 years,
R/at Chelur Village,
Chelur Hobli,
Gubbi Taluk.

2. Swetha C.N.
D/o Nataraju
Aged about 21 years,
R/at Chelur Village,
Chelur Hobli,
Gubbi Taluk.

(By Sri. S.S. Adv.,)

DEFENDANTS: 1. Basavanna
S/o Late Siddappa
Aged about 70 years,

2. Shivamma
D/o Late Siddappa
W/o Kempasiddaiah
Aged about 65 years,
R/at Maranahalli,
Chelur Hobli,
Gubbi Taluk



3. Suma
D/o Gangamma
W/o Late Gangadharaiah,
Aged about 38 years,
R/at Alilughatta,
Nittur Hobli,
Gubbi Taluk
4. Mamatha
D/o Gangamma
W/o Ganganna,
Aged about 35 years,
R/at Mahadeshwara Badavane
Chelur, Gubbi Taluk.
5. Rajanna,
S/o Late Siddappa
Aged about 58 years,
6. Thejamma
W/o Late Kempanna,
Aged about 54 years,
7. Putta Siddaiah
S/o Late Siddappa
Aged about 54 years,

Defendant No. 1, 5 to 7 are
R/at Kodiyala,
Chelur Hobli,
Gubbi Taluk.

8. Karegowda
S/o Late Kempanna,
Aged about 51 years,
R/at Gadiyankanahalli,
Chelur Hobli,
Gubbi Taluk.

(D1,3, 5 and D7 by Sri V.T. Adv.,)



(D2 Exparte)
(D4 by Sri S.R.P.G. Adv.,)
(D6 by Sri R.V. Adv.,)
(D8 by Sri. C.K.R. Adv.,)

PARTIES TO I.A.NO.VII

Applicant : Rajanna

(Defendant No.5)

Vs.

Opponent : Lavanya 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.5.
The date of the application is filed Interlocutory Application Number	18.02.2026
Interlocutory Application Number	VII
Date of objection filed by the Respondent	25.02.2026
Date of order passed	24.03.2026

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 PW2, the present application came to be filed.

2. The defendant No.5 through their counsel filed this application Under Order 6 Rule 17 of CPC seeking for amendment of written statement.

PROPOSED AMENDMENT

1. ಲಿಖಿತ ವಾದಪತ್ರದಲ್ಲಿನ ಪ್ಯಾರಾ 2 ರ 12 ನೇ ಸಾಲಿನ ಕೊನೆಯಲ್ಲಿ ಸತ್ಯವಾಗಿರುತ್ತದೆ ಎಂದು ತಪ್ಪಾಗಿ ನಮೂದಾಗಿದ್ದು, ಅದರ ಬದಲಾಗಿ ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿರುತ್ತದೆ ಎಂದು ನಮೂದಾಗಬೇಕಾಗಿರುತ್ತದೆ.
2. ಲಿಖಿತ ವಾದಪತ್ರದಲ್ಲಿನ ಪ್ಯಾರಾ 3 ನೇ ಪ್ಯಾರಾದ 4 ನೇ ಸಾಲಿನ ಕೊನೆಯಲ್ಲಿ ಸತ್ಯವಾಗಿರುತ್ತದೆ ಎಂದು ತಪ್ಪಾಗಿ ನಮೂದಾಗಿದ್ದು ಇದನ್ನು ತೆಗೆದು ಬದಲಾಗಿ ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿರುತ್ತದೆ ಎಂದು ನಮೂದಾಗಬೇಕಾಗಿರುತ್ತದೆ.
3. ಲಿಖಿತ ವಾದಪತ್ರದಲ್ಲಿನ ಪ್ಯಾರಾ 11 ನೇ ಪ್ಯಾರಾದ 1 ನೇ ಸಾಲಿನಲ್ಲಿ ಲಕ್ಷ್ಮೀದೇವಮ್ಮರವನ್ನು ಎಂದು ನಮೂದಾಗಿರುವುದನ್ನು ತೆಗೆದುಹಾಕಿ ಇದರ ಬದಲಾಗಿ ಲಕ್ಷ್ಮೀದೇವಮ್ಮನವರಿಗೂ ಮತ್ತು ನಮ್ಮ ಕುಟುಂಬಕ್ಕೂ ಯಾವುದೇ ರೀತಿಯ ಸಂಬಂಧವಿರುವುದಿಲ್ಲ ಮತ್ತು ನಮ್ಮ ಕುಟುಂಬದ ಹಿರಿಯರಾದ ಲಕ್ಷ್ಮಮ್ಮ ಕೋಂ ಕೆಂಪಣ್ಣನವರನ್ನು ಎಂಬುದನ್ನು ಹೊಸದಾಗಿ ನಮೂದಾಗಬೇಕಾಗಿರುತ್ತದೆ.”

3. The application is accompanied with the affidavit of the



defendant No.5, wherein it is stated that the present suit is filed seeking relief of partition and separate possession. It is stated that at the time of filing of written statement there was typographical error in mentioning the name of Lakshamma. The proposed amendment is necessary for the purpose of ascertaining the relationship between the plaintiffs and 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 the defendant No. 5 has filed false affidavit and filed the application at a belated stage when PW1 is partly cross-examine and the defendants have admitted the G-Tree of the plaintiff stating that Lakshmiddevamma he is grandmother of the plaintiff. The proposed amendment will change the contention take by the defendants. 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 “**Negative**” for the following ;

REASONS

8. Admittedly, the plaintiffs have filed this suit seeking relief of partition and separate possession of their 1/3rd share in Item No. 1 to 8 of the suit schedule properties.
9. The defendant No.5 by way of amendment intends to plead denial at paragraph No. 2 and 3 of the written statement wherein the facts are admitted and in paragraph No. 11 of the written statement to plead that the parties are not related to Lakshmidevamma and one Lakshmmamma is the elder member of the family.



- 10.** On perusal of the written statement filed by defendant No. 1, 3, 5 and 7, it is seen that in paragraph No. 2 and 3 they admitted the relationship as pleaded by the plaintiff with respect to Chikkanna, his wives and children as well as the relationship of Siddappa S/o Chikkanna and his children. They also admitted that Kempamma D/o Chikkakempamma had a daughter by name Lakshmiddevamma.
- 11.** When the said facts admitted by the defendant No. 1, 3, 5, 7 in the written statement is read along with the proposed amendment, the amendment is in the form of withdrawl from the admissions given by the said defendants. The amendment can be allowed when it is necessary for adjudication of the matter in dispute but it cannot be allowed for withdrawl of admissions. In the said circumstances, this court is of the opinion that the proposed amendment obtained is not necessary for adjudication of the matter in dispute. Accordingly, I proceed to pass the following :



ORDER

***I.A. No. VII filed by the
defendant No.5 under Order 6
Rule 17 of CPC is hereby rejected
on costs of Rs.500/-.***

(Directly dictated to the stenographer on the computer, printed through steno, corrected by me and then pronounced in the open court on this the **24th day of March, 2026**)

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