



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI**

Dated this the 20th day of June 2026

Present:

**Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi**

OS No. 129/2012

Plaintiff :- Sri. Venkataiah Dead by his Lrs.

-V/s-

Defendants :- Sri. Narasimhaiah Dead by his Lrs.

CAUSE TITLE ON IA No.9

Applicant :- Sri. R. Gangadharaiah (Plaintiff No.1(4))

(By Sri. T.B.V., Advocate)

-V/s-

Respondents :- Sri. Narasimhaiah Dead by his Lrs. (Defendants)

(By Sri. S.R.R., Advocate)

:ORDER ON I.A. No.9:

The Lrs of plaintiff have filed IA No.9 U/O 6 rule 17 of CPC praying for leave of the court to amend the plaint as indicated there in. The proposed amendment reads as follows:

After para No.10 of the plaint



11. The registered sale deed dated:24-03-2016 executed by Venkatalakshamma and Boramma in favour of Veerabhadraiah and <http://R.Gangadharaiah>, the plaintiff Nos.3 and 4 is lost.

02. In the accompanying affidavit, it is stated that the plaintiffs have filed the present suit for several reliefs against the defendants. Now the suit is posted for further evidence on plaintiff side. Plaintiff has got marked documents as exhibits. While he was preparing himself to adduce further evidence on his side, he has searched for the registered sale deed under which they have purchased the suit schedule property. In spite of their thorough search he could not find the original registered sale deed and the said sale deed is lost. In order to produce the secondary evidence of the said document it is necessary for him to plead the above said fact in the plaint filed by him. The amendment sought for does not change the nature of the suit. The prayer that he want to introduce by way of amendment is necessary to prove his case. The amendment sought for is not inconsistent with the facts that he has already pleaded. No prejudice or hardship would be caused to the other side if the accompanying application is allowed. On these grounds he prays to allow the application.



03. This application is resisted by the Lrs. of defendant by filing objections. It is stated in the objections that the original alleged sale deed is in the hands of applicant. In spite of that he is avoiding to produce the same, because the signatures found in the original sale deed is fake signatures. As such, the applicant is not producing the original sale deed. Hence viewing from any angle, the application itself is not maintainable. It is further contented that the applicant failed to make out a foundation to adduce the secondary evidence, as per Sec.65A, B and C of the Evidence Act. When such being the case, without forming a foundation to adduce the secondary the applicant cannot seek for producing the certified copy. On these grounds they pray to dismiss the application.

04. Heard arguments and perused the pleadings and materials placed on record.

05. The point that arises for consideration is as follows:

“Whether the proposed amendment is just and necessary to decide the real dispute in controversy between the parties to the suit?”

06. The finding on the above point is in the affirmative for the following;



REASONS

07. The plaintiff has filed the suit against the defendant for the relief of declaration of title and for recovery of possession of the suit schedule property. It is noticed from the order sheet of the case that the trial has already been commenced, at the stage of further chief examination of PW.2, the Lrs of plaintiff have filed this application.

08. On-going through the proposed amendment, the plaintiff is not seeking any additional relief. They are trying to explain the whereabouts of the original sale deed by way of proposed amendment. On-going through the proviso of Rule 17 of order 6 of CPC, it is very much clear that, no application for amendment shall be allowed after the trial has commenced; in the instant case evidence is already commenced. But if the proposed amendment is not allowed, it may leads to multiplicity of proceedings, if the proposed amendment is allowed, no loss or injury will be caused to the defendant. The lrs. of plaintiff claimed their case by way of proposed amendment, an opportunity has to be given to the lrs. of plaintiff to prove their case as per ascertainment of facts on the basis of oral and documentary evidence, hence I deem it appropriate to allow the application. Hence I



answer the above point in the affirmative and proceed to pass the following:

ORDER

I.A. No.9 filed by the Irs. of plaintiff
under Order 6 Rule 17 of CPC is hereby
allowed on cost of Rs.200/-.

The Irs. of plaintiff are permitted to
amend the plaint as indicated in I.A.

(Dictated to the stenographer, transcribed by her, corrected and then pronounced
in the open Court on this the 20th day of June 2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC.,
Gubbi.