

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT GUBBI**Dated this the 28th day of June 2025****:Present:****Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi****OS No.327/2023****Plaintiffs : - Nagaraju and another****V/s.****Defendant : - Chikkanna and others****CAUSE TITLE ON IA NO. 1****Applicant : - Nagaraju (Plaintiff No.1)****(By Sri.D.G., Advocate)****V/s.****Opponent : - Chikkanna and others (defendants)****-****(D.1 by Sri.M.P.M., Advocate)
(D.3, 5 & 6 by Sri.K.G.N., Advocate)
(D.2 & 5 Exparte)****ORDER ON IA.No.1**

The plaintiffs have filed IA No.1 U/o 6 rule 17 of CPC praying for permit them to amend the plaint as indicated therein. The proposed amendment reads as follows:

Amendments sought for:

**9. ಗುಬ್ಬಿ ತಾಲ್ಲೂಕು ಚೇಳೂರು ಹೋಬಳಿ, ಸೋರೇಕಾಯಿಪೇಟೆ
ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.5/2 ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 3-01 ಗುಂಟೆ ಜಮೀನಿಗೆ
ಚಕ್ಕು ಬಂದಿ:**

ಪೂರ್ವಕ್ಕೆ: ರಸ್ತೆ

ಪಶ್ಚಿಮಕ್ಕೆ: ಕೃಷ್ಣಪ್ಪ ಮತ್ತು ಚಿಕ್ಕಬಾಲಯ್ಯರವರ ಜಮೀನು

ಉತ್ತರಕ್ಕೆ: ಕೈಲಾಸಪ್ಪರವರ ಜಮೀನು

ದಕ್ಷಿಣಕ್ಕೆ: ಬಾಲಮ್ಮ ಮತ್ತು ದೊಡ್ಡಬಾಲಯ್ಯರವರ ಜಮೀನು

2. In the accompanying affidavit, it is stated that, the plaintiffs have filed the above suit for partition and separate possession against the defendants. Item No.9 was not impleaded in the suit. At the time of filing the suit, due to inavailability of documents. He has obtain the relevant documents with respect to said property. Hence, they are intending to implead the said property to the schedule of the plaint. If the proposed amendment is allowed, no hardship or loss will be caused to the defendants. Per contra, if application is not allowed, they will be put to much hardship. On these ground they pray to allow the application.

3. This application is not resisted by the defendants.

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

5. The points that would arise for consideration of this application are as follows:

1. Whether the proposed amendments are just and necessary to decide the real dispute in controversy between the parties to the suit?

2. What order?

6. The findings on the above points are as follows;

Point No.1:- In the Affirmative

Point No.2:- As per final order, for the following;

REASONS

7. Point No.1:- The plaintiffs have filed this suit for the relief of partition and separate possession over the suit schedule properties.

8. Ongoing 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 been commenced. In the instant suit evidence is yet to be commenced. When the case is posted for plaintiffs' evidence, the plaintiffs have filed this application to amend the plaint as indicated therein. On perusal of the proposed amendment, it reveals that it will not change the nature of suit. If the proposed amendment is not allowed, it may lead to multiplicity of litigation. If the proposed amendment is allowed, no loss or injury will be caused to the defendants. The plaintiffs have claimed their contention by way of proposed amendment; an opportunity has to be given to the plaintiffs 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 Point No.1 is answered in the affirmative.

9. Point No.2:- For the foregoing reasons, I proceed to pass the following;

ORDER

I.A No.1 filed by the plaintiffs under order 6 Rule 17 of CPC is hereby allowed on cost of Rs.200/-.

The plaintiffs are permitted to amend the plaint as indicated in IA No. 1.

(Orders dictated to the stenographer on-line computer, computerized by him, revised, corrected and then pronounced by me in open court on this the 28th day of June 2025)

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