



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

PRESENT: **Smt.Sujatha A.B.,** *B.A.L, L.L.B.,*
Prl.Civil Judge & JMFC.,Kunigal

DATED THIS THE 24th DAY OF MARCH 2026

O.S.No.125/2022

Plaintiff- Smt. Venkatamma and another
(By Smt.NSK.,Advocate)

-Versus-

Defendants- Sri. Nanjappa and others
(D-1 to 3 by Sri.BRR., Advocate)

I.	Provision under which the application is filed	Under Order 6 Rule 17 of CPC
II.	Relief sought for	For amendment of plaint
III.	The date on which the	29.04.2025



	application is filed	
IV.	Number of the application	V
V.	The date on which the objections are filed by	11.07.2025
VI.	The date on which the order were passed on the said application	24.03.2026.

RANK OF PARTIES ON I.A.No.V

Applicant: Smt. Lakshmikumari (SPA holder of plaintiff No.2)

V/s

Opponent: Sri. Nanjappa and others (defendants)

ORDERS ON IA NO.V FILED BY THE PLAINTIFF U/O VI

RULE 17 R/W SECTION 151 OF CPC.,

The instant I.A.No.V is filed by the SPA holder of the plaintiff No.2 to insert one more para after para No.3 and also delete the eastern and western boundaries of the



plaint schedule by inserting the proposed boundaries to adjudicate the matter effectively.

2. In support of application SPA holder of the plaintiff has contended hat she has filed the suit for the relief of permanent injunction and above case is set down for the further cross examination of PW1, she learn't that Eastern and western side of the schedule of sale deed dated 08.07.1972 were wrongly written in the sale deed as east by the property purchased by Siddaiah S/o Lingaiah from Ramaiah @ Motaiah on the same day West by: Government Roadbut actual boundaries of suit schedule property in the locality i.e., East by: Maramma Temple, West by property purchased by Siddaiah S/o Lingaiah from Ramaiah @ Motaiah on the same day. However, learnt that



boundaries of the East-West boundaries of the said sale deed like that in plaint schedule is not correct and so that it is necessitated to amend the plaint. The proposed amendment will not change the suit cause of action. Among these grounds grounds they prayed to allow the application.

3. On the other hand, the defendants have filed their statement of objections by denying the contentions of the plaintiff and stated that cross examination of PW.1 partly completed when matter was posted for further cross examination of PW.1 present application is filed by the plaintiff to take away the defence taken by the defendants regarding to the boundaries of the suit schedule property is not correct. Infact according to the plaint schedule,



alleged suit property is bounded as East property purchased by the L.Siddaiah S/o Lingaiah under the registered sale deed dated 08.05.1972 from Ramaiah, West : Government Road, North: Land of Maganna, South: Road. Infact the defendant has contended in their written statement that the boundaries of the suit property is wrong and defendants have contended in page No.2 of the written statement that the alleged suit schedule property is not existing and in sale deed dated 08.05.1972 the extent of boundary is mentioned as East-West:12 gaja, North-South: 13 gaja, 36 X 39 feets bounded as East-property sold to the purchased from Ramaiah @ Motaiah, West : Government Road, North- property of Nagamma, South: Road, infact, in the cross examination the ExD.1 is



marked and also in the cross examination of PW.1 towards eastern side there is property of Shivalingaiah is existing in between road and alleged suit property. Now the plaintiff is going to change alleged suit schedule property on East-West direction. The defendant stated that plaintiff has filed above application to fill up lacuna with regard to contradictory evidence given in the cross examination of PW.1, the present application is not maintainable same will change the suit cause of action. Among these grounds they prayed to reject the application.

4. Heard arguments on both side. Perused the materials on record.

5. The following points arose for consideration of the court.



1. **Whether the reasons assigned in the application is sufficient to permit the plaintiff to amend his plaint?**

2. **If so, What order?**

6. After hearing both side, the court proceeds to answer aforesaid points as below:

Point No.1	:	In the Affirmative
Point No.2	:	As per the final order
For the following:		

:REASONS:

7. **POINT No.1:-** Admittedly the plaintiff has filed this suit for the relief of permanent injunction. In this case when it was posted for further cross of PW.1, at the time plaintiff come up with above application and contended that towards eastern and western side of the suit property there was wrong entry in the sale deed itself and hence



prayed to permit them to amend the eastern side of the suit schedule property. No doubt in the sale deed itself boundary shown as wrong as contended by the plaintiff and same cannot be continued against to the facts existed therein. Further it is the obligation on the plaintiff to rectify the boundaries of the sale deed and is left to them and present suit is for bare injunction and court has to consider the possession of the plaintiff and if plaintiff fails to prove the existence of suit schedule property with correct boundaries then their suit will fail.

8. Further the merits of the case cannot be considered while deciding this application. On perusal of proposed amendment, it appears that plaintiff has not brought any new facts but she is making clear with regard



to boundaries of the suit schedule property. Further more, in this case evidence of the plaintiff not yet completed. So in that situation if the present application is allowed, no hardship or injustice would be caused to the defendants. The amendment is always subject to proof. Hence mere allowing the same, it cannot change the nature of the suit nor cause of action. On the other hand if the application is not allowed, it appears that both the parties would not be in a position to enjoy the fruits of the decree and also it would lead to multiplicity of proceedings. Further the proposed amendment neither changes the cause of action nor the nature of the suit. Hence, the court proceeds to answer Point No.1 in the **affirmative**.



9. **POINT No.2:-** In view of the aforesaid findings on Point No.1, the court proceeds to pass following:

ORDER

I.A.No.V filed by the plaintiff Under Order 6 Rule 17 of C.P.C. is hereby allowed with cost of Rs.2,000/-.

Accordingly, the plaintiff is permitted to carry out the amendment under this application by inserting proposed amendment.

(Dictated to the Stenographer on computer, typed by her corrected by me and then pronounced in the open Court on this the 24th day of March, 2026)

Sd/-
(Sujatha A.B.)
Prl. Civil Judge & J.M.F.C.,
KUNIGAL.