

IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC.,
KUNIGAL
Present:

Sri. Manjunath Shivapooji, B.A., L.L.B.,

Addl Civil Judge & JMFC., Kunigal.

Dated: 9th day of March, 2026

O.S.NO.336/2017

Plaintiffs : Sri.Rangaswamy and others
V/s

Defendants : Jayamma and others

I.A.

Applicant : Sri.Rangaswamy
V/s

Opponent : Jayamma

ORDERS ON APPLICATION FILED BY THE APPLICANT
UNDER ORDER 6 RULE 17 OF CPC

On perusal of plaint, it appears that the plaintiffs have filed this suit for the relief of declaration and injunction against the defendants.

2. The applicant/plaintiff No.1 has filed IA U/O 6 Rule 17 of CPC to amend the plaint by insert old Sy.No.1 new Sy.No.3/4. Further, it is contended that, the amendment is necessary to adjudicate the matter in question, if the application is allowed, no harm would be caused to defendants. Hence, prayed to allow this application.

3. On the other hand, the defendants have filed objection by denying the averments of application. The defendants have contended that, the proposed amendment not only changes the nature of case but also changes the cause of action. The nature of suit itself is diverted and changed. The intention behind raising the proposed amendment by the applicant is not only protracts the proceedings, but also defeat the contention already taken by defendants. In view of this circumstance the proposed application for amendment of plaint could not stand with merit and hence, is liable to be dismissed. Hence, prayed to dismiss the application.

4. Heard arguments.

5. On basis of the application and documents on record, the

following points that arise for the determination of this court.

1. Whether the application deserves to be allowed?

2. What order?

6. My findings on the above points are as under;

Point No.1 : In the *Affirmative*

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

REASONS

7. Point No.1 : This court has perused the documents produced by plaintiffs and defendants and on perusal of the amendment sought by applicant it clears that, it will not change the nature of suit or cause of action and it will not introduced any new thing and if the application is allowed, injustice will not be caused to other side.

8. Therefore, this court is of the opinion that to decide the matter fully and finally the prayer sought under IA U/O 6 Rule 17 CPC is necessary. In the absence of proposed amendment suit

cannot be decided effectually. If the application is allowed, it will not protract the proceedings. Hence, to avoid the multiplicity of the proceedings, this court inclined to allow the IA U/O 6 Rule 17 CPC in the interest of justice and equity. Accordingly, ***Point No.1*** is answered ***in the Affirmative***.

9. Point No.2: For the above discussed reasons, this court proceeds to pass the following:

ORDER

IA filed U/O 6 R 17 of CPC is hereby
allowed.

The plaintiffs are permitted to amend
the plaint. To carried out amendment and
to furnish amended plaint by 17.03.2026.

Sd/-
Addl Civil Judge and JMFC,
Kunigal.