

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: 16th day of April, 2026

O.S.NO.522/2018

Plaintiff : Jayalakshamma
V/s

Defendants : Rajanna and others

I.A.

Applicant : Ananda
V/s

Opponent : Rajanna

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

On perusal of plaint, it appears that the plaintiff has filed this suit for the relief of permanent injunction against the defendants.

2. The applicant/SPA holder of plaintiff has filed IA U/O 6 Rule 17 of CPC to amend the plaint by amending the age of the plaintiff in the cause title as 60 years instead of 40 years and also to insert the measurement of suit property in the schedule. 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 plaintiff 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. Further, the applicant has relying on the E-Swathu of suit property. In the said E-swathu the measurement of

suit property is been mentioned. Further with regard to amendment of age of plaintiff, the applicant has not produced the documents. Therefore, in the absence of documents with regard to age of the plaintiff this court is not bound to believe the barred contention of plaintiff.

8. Therefore, this court is of the opinion that to decide the matter fully and finally the prayer to mention the measurement of suit property in the IA U/O 6 Rule 17 CPC is necessary. In the absence of proposed amendment with regard to measurement of suit property the 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 partly allowed.

The prayer with regard to amendment of age of the plaintiff is dismissed.

Further the prayer with regard to insert the measurement of suit property is hereby allowed.

The plaintiff is permitted to amend the plaint by inserting measurement of suit property. To carried out amendment and to furnish amended plaint by 28.04.2026.

Addl Civil Judge and JMFC,
Kunigal.