

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC, AT: PAVAGADA**

PRESENT

**SRI. MADESHA V,
BAL.,LL.B.,
SENIOR CIVIL JUDGE AND JMFC,
PAVAGADA**

Dated this the 30th Day of April 2026

O.S. No. 93/2023

Plaintiff : Smt. Hanumakka and Ors.

(By Sri.MB., Advocate)

V/S

Defendants : Buddappa and Ors

(D1 to 4 By Sri.RH., Advocate)

(D5 to 9 By Sri.ANR., Advocate)

(D10 to 15 By Sri.HAP., Advocate)

(D16 absent)

(D17 to 35 By Sri.HAP., Advocate)

PARTIES TO I.A. No.IV

Applicants / Plaintiffs : Smt. Hanumakka & Ors.

V/s

Opponents / Defendants : Buddappa & Ors.

* * *

i.	Provision under which the application is filed	U/o 6 Rule 17 R/w 151 of CPC
ii.	Relief sought for	Amendment of plaint
iii.	The date on which the application is filed	22-04-2025
iv.	Number of the application	09
v.	The date on which the objection filed by opponents	16-12-2025
vi.	The date on which the orders were passed on the said application	30-04-2026

* * * *

ORDER ON I.A. No.IV

This is an application filed by the Applicants/plaintiffs Under Order 6 Rule 17 R/w 151 of C.P.C, I.A. No.IV seeking for amendment of plaint as sought in the IA.

2.In the affidavit annexed to the application, the plaintiffs stated that, they have filed present suit for partition and separate possession with respect to the suit schedule properties. They have also filed this suit for the alleged illegal and irregular RTC entries got created in the names of defendants No.10 to 35 are illegal, void, fake, irregular and fraudulent entries and the same are not binding upon their rights and defendants No.1 to 9. The above case if posted to hear on I.A.No.I in the last week only, he came to know that, after verifying the partition deeds dated 10-05-1968, sale deed dated 02-06-1969, other sale deed dated 05-02-1973, another partition deed

dated 22-05-1974, another registered sale deed dated 01-02-1988 and another sale deed dated 01-04-1978, some mistakes are typed in the plaint schedules and boundaries. The said mistakes done by the computer clerk in the office of his advocate. They are innocents and ill-literate persons. The proposed amendments are clearly mentioned in the annexed application. The said mistake is a bonafide mistake but not any intentional one. This application is filed within the time from the date of knowledge. Hence, the proposed amendment will not alter or changes the nature and cause of action for this suit. Hence, it is very necessary to permit him to delete and insert the words as mentioned in the annexed application in the plaint schedules and permit him to proceed with the above case. Hence, it is very necessary to amend the plaint. If the application is rejected, it would cause much hardship and inconvenience to them. On the said grounds, the plaintiffs prayed to allow the said IA.

3. To resist the application, the defendants filed objection. It is contended that, the application is not maintainable either in law or on facts of the case. It is contended that, the proposed amendment sought in item No.1 i.e., to show "land belongs to Sathyanarayana Shetty" towards East of item No.3, no supportive document produced. The amendment sought in item No.2 that, towards West to show land belongs to Anjinappa to

that effect also no document. The amendment sought in the item No.3 i.e., towards Northern side "Land belongs to Hanumanthappa" is to be added as per the amendment sought to for this amendment also no document. In fact, towards Western side in OS.No.338/2022 which is filed by the defendant No.5 on the file of Additional Civil Judge Pavagada still it is pending for the consideration. Wherein the defendant No.5 (plaintiff in OS.No.338/2022) has sought for amendment to mention Sy.No.339 towards West deleting the land of Anjinappa and Gorla Narayanappa same was allowed and also towards Northern side after the "Road" "Land" belongs to Hanumanthappa is to be inserted to that effect also no document. Moreover, the present boundary and amendment sought boundary does not make any difference for identification of property hence, the amendment sought in the item No.2 and 3 is no purpose will be served. Amendment sought in the item No.4 is meaningless. The amendment sought in item No.5 no document and it is seriously disputed. In fact, it is not 24 Ft, it is 24 guntas it shows the applicant is not definite about his case. Amendment sought in item No.6 is only mere say amendment, the present portion and amendment sought portion one and the same so amendment sought is not proper. Amendment sought in the item No.7 is not proper because, admittedly, it is a suit for partition. Hence, the defendants No.1 to 9 are

also having their legitimate share in the item No.6 of the schedule property. Hence, the question of deletion of item No.6 of the suit schedule property does not arise at all. Hence, amendment sought in the item No.7 is liable to be rejected. The defendant No.5 has filed a suit for injunction on the file of Additional Civil Judge and JMFC at Pavagada in OS.No.338/2022 with respect to the item No.3 i.e., Sy.No.338 of Kamanadurga Village. That's why applicant purposely intentionally going on changing the boundaries of that particular survey number in order to defeat defraud the right of the defendants No.1 to 9. As such, the applicant filed this present application with malafide intention. On the said grounds, the defendants prayed to reject the application.

4. I have heard the arguments and perused the application and record.

5. The following points would arise for my consideration:

1. Whether the applicants / plaintiffs have made out grounds for allowing the application filed Under Order 6 Rule 17 R/w Section 151 of CPC-IA No.IV as sought for ?
2. What order?

6. My findings to the above said points are;

Point No.1: In the Affirmative

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

REASONS

7. **Point No.1:-** The plaintiffs have filed the present suit for partition and separate possession against the defendants with respect to suit schedule properties. It is the contention of plaintiff that, they have also filed this suit for the alleged illegal and irregular RTC entries got created in the names of defendants No.10 to 35 are illegal, void, fake, irregular and fraudulent entries and the same are not binding upon their rights and defendants No.1 to 9. The above case is posted to hear on I.A.No.1 in the last week only, he came to know that, after verifying the partition deeds dated 10-05-1968, sale deed dated 02-06-1969, other sale deed dated 05-02-1973, another partition deed dated 22-05-1974, another registered sale deed dated 01-02-1988 and another sale deed dated 01-04-1978, some mistakes are typed in the plaint schedules and boundaries. The said mistakes done by the computer clerk in the office of his advocate. They are innocents and ill-literate persons. The proposed amendment are clearly mentioned in the annexed application. The said mistake is a bonafide mistake but not any intentional one. This

application is filed within the time from the date of knowledge. Hence, the proposed amendment will not alter or changes the nature and cause of action for this suit. Hence, it is very necessary to permit him to delete and insert the words as mentioned in the annexed application in the plaint schedules and permit him to proceed with the above case. Hence, it is very necessary to seek appropriate relief about the said document. The proposed amendment is very necessary for proper adjudication of the matter in dispute.

8. At this juncture, I have gone through the provisions of Order 6 Rule 17 of C.P.C R/w Section 151 of CPC. As per order 6 Rule 17 of C.P.C., the amendment can be allowed at any stage of the proceedings, if the court finds that, the amendment is necessary for the purpose of determining the real question in controversy in between the parties. The Hon'ble Supreme Court of India in the case between **Rajeshkumar Agarwal and others V/s K.K.Modi and others** reported in **AIR 2006 SC 1647, (2006) 4 SCC 385** has setup guidelines for entertaining application for amendment and explained the object of Order 6 Rule 17 of CPC. Wherein it is held that, the court should hold an enquiry and tried the suit/case on merits and consequently should allow all the amendments that may be necessary for determining the real question in controversy between the parties.

Provided, it does not cause injustice or prejudice to the other side, the rule of amendment is indeed a rule of justice, enquiry and good conscience. The power of granting amendment should be exercised in the larger interest of doing full and complete justice to the parties before the court.

9. In the present case, plaintiff contending that, after verifying the partition deeds dated 10-05-1968, sale deed dated 02-06-1969, other sale deed dated 05-02-1973, another partition deed dated 22-05-1974, another registered sale deed dated 01-02-1988 and another sale deed dated 01-04-1978 came to know that, there are mistakes crept in the plaint schedules and boundaries. The said mistakes done by the computer clerk in the office of his advocate. Therefore, the proposed amendment is very much necessary for the purpose of determining the real question in controversy between the parties. Therefore, by considering the facts and the circumstance of the case and in the interest of justice and for disposal of case on merits, I am of the opinion that, the amendment application deserves to be allowed.

10. On perusal of record reveals that, the present suit came to be filed on 16-08-2023 and there is a delay in filing the application. Hence, this court opines that, it is necessary to pass an order requiring the plaintiffs to pay

to the other party such cost as would be reasonably sufficient to reimburse in respect of expenses incurred by them in attending the court on the earlier dates. Hence, it is necessary to impose suitable cost for causing delay in filing the application. Accordingly point No.1 answered in the Affirmative.

11. **Point No.2:-** In view of my foregoing reasons while answering the above point, I proceed to pass the following;

ORDER

I.A. No.IV filed by the applicants / plaintiffs U/o 6 Rule 17 R/w Section 151 of C.P.C. is hereby allowed on cost of Rs.500/-.

Subject to cost, plaintiff is hereby permitted to carryout the amendment as prayed in the above I.A.

For compliance 03-06-2026.

*(Dictated to the Stenographer directly on the laptop, typed by him and corrected and then pronounced in the Open Court on this the **30th Day of April, 2026**).*

Sd/-
(MADESHA. V)
Senior Civil Judge and JMFC,
Pavagada.