

**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 9th Day of June 2026

O.S. No. 40/2019

Plaintiff : Y.Anjaneyulu
(By Sri.HNN., Advocate)

V/S

Defendants : Veluruvenkataiah since,
dead by his LR's
(D1, 2, 4 & 8 By Sri.GCM., Advocate)
(D3 & 5 By Sri.VS., Advocate)
(D6 & 7 By Sri.SRV., Advocate)
(D9 to 11 By Sri.DVS., Advocate)

PARTIES TO I.A. No.XXIII

Applicant / Plaintiff : Y.Anjaneyulu

V/s

Opponents / Defendants : Veluruvenkataiah since,
dead by his LR's

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i.	Provision under which the application is filed	6 Rule 17 of CPC
ii.	Relief sought for	Amendment of plaint
iii.	The date on which the application is filed	21-04-2026
iv.	Number of the application	23
v.	The date on which the objections are filed by different opponents	28-04-2026
vi.	The date on which the orders were passed on the said application	09-06-2026

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ORDER ON I.A. No.XXIII

This is an application filed by the Applicant / plaintiff Under Order 6 Rule 17 of C.P.C, I.A. No.XXIII seeking for amendment of plaint as sought in the IA.

2. In the affidavit annexed to the application, the plaintiff stated that, he has filed present suit for declaration and such other reliefs. The affidavit and plaint averments sought to be read as part and parcel of the affidavit to avoid repetition of facts. It is stated that, the case is set-down for arguments on merits on the plaintiff side. At the time of preparing for addressing arguments, he came to know that, the facts sought to be amended were not included in the plaint by oversight and typical mistake and urgency in filing the plaint. The said mistake is bonafide and un-intentional one and the said properties are not added in the suit schedule. It is just and necessary to cause the proposed amendment to avoid the absurdity and also the nature of properties. Hence,

the proposed amendment is bonafide, relevant and just and necessary for deciding the rights of the parties involved in the list. He forgotten to cause the proposed amendment at the earlier dates. If the proposed is allowed, nature of the suit and relief will not be changed. On the other hand, if the application is rejected, it would cause much hardship and inconvenience to him. On the said grounds, the plaintiff prayed to allow the said IA.

3. To resist the application, the defendants No.4 and 5 have filed objection to the application. It is contended that, the application is not maintainable either in law or on facts of the case. He has sought to treat the averments of written statement filed by him as part and parcel of the objection to avoid the repetition of facts. It is contended that, the proposed amendment is highly belated one in the eye of law. He has sworn a false affidavit. The plaintiff is not diligent in prosecuting the above case. Now, the above case is posted for arguments on merit by the plaintiff side. Now, the plaintiff by way of proposed amendment wants to change the entire schedule in respect of item No.2 of the suit schedule property and also to insert phoded survey numbers in respect of item No.4 of the property. As such, this application cannot be considered. The plaintiff has filed this application after lapse of 7 years. The right accrued to the defendants will be taken away by the proposed amendment and further not tenable in the eye of law.

The property bearing Sy.No.140 is phoded and it is understood that, sub-division by phods makes no difference as the extent remains intact. Hence, the new plea sought in the amendment does not arise. The plaintiff filed present application with an intention to drag on the proceedings. The application is baseless one and not supported by any genuine and material document. In fact, the plaintiff and defendants are jointly in possession and enjoyment of the suit schedule properties. Hence, the application of plaintiff is liable to be dismissed in the above suit. On the said grounds, the defendants No.4 and 5 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 applicant / plaintiff has made out grounds for allowing the application filed Under Order 6 Ruel 17 of CPC-IA No.XXIII 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 plaintiff has filed the present suit for declaration and such other reliefs. It is the contention of plaintiff that, the case is set-down for arguments on merits on the plaintiff side. At the time of preparing for addressing argument, they came to know that, the facts which are sought to amended were not included. That non-inclusion of those facts and survey numbers in the plaint is not intentional one but, for the bonafide reasons. 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, the plaintiff has sought to insert sub-numbers of the property and also boundaries. 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 08-07-2019 and there is a delay in filing the application. Hence, this court opines that, it is necessary to pass an order requiring the plaintiff 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.XXIII filed by the applicant/plaintiff U/o 6 Rule 17 R/w Section 151 of C.P.C. is hereby allowed on cost of Rs.2,000/-.

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

For compliance 12-06-2026.

*(Dictated to the Stenographer directly on the laptop, typed by him and corrected and then pronounced in the Open Court on this the **9th Day of June, 2026**).*

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