

KATK710001242023



**IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC,
PAVAGADA**

**Present:- Smt. Munirathnamma.C.N, B.A., LL.B.,
Addl. Civil Judge and JMFC,
Pavagada.**

Dated this the 12th day of June, 2026

O.S.No.56/2023

Plaintiff : Manjamma

(By Sri.S.K.R, Advocate)

V/S

Defendants :

1. Sri.V.S.Hanumantharayappa
S/o late Siddappa
aged about 70 years
2. Siddamma
D/o late Narayanappa
aged about 60 years
3. Rathnamma
D/o late Narayanappa
aged about 55 years
4. Ugrappa
S/o late Narayanappa
aged about 52 years

The defendant No.1 to 4 are
Residing at;

Veerlagondi Village
Kasaba Hobali
Pavagada Taluk
Tumakuru District.

(By Sri.U.M., Advocate
for Defendant No.1 to 3)
(By Sri.A.N.R., Advocate
for Defendant No.4)

I.A.No.2

Applicant/Plaintiff : Manjamma

V/s

Opponents/Defendants : Sri.V.S.Hanumantharayappa
and others

**ORDER ON I.A.NO.2 FILED BY THE PLAINTIFF UNDER
ORDER 6 RULE 17 OF C.P.C.**

The counsel for plaintiffs has filed IA No.2 under Order 6 Rule 17 of CPC for seeking for amend the plaint to insert words in the plaint and also to insert Item No.8 and defendant No.4 has purchased the suit schedule property.

The proposed amendment is as follows:

1. The suit schedule in item No.8 delete 8 after the word totally and insert 5 and delete 0.2 and insert 31 guntas including 25 fruit yielding tamarind trees.

2. The land bearing Sy.No.59/1 measuring 17 guntas of Veeralagondi Village, Kasaba Hobali, Pavagada Taluk measuring 17 guntas which is bounded by;

East	-	Land belongs to Kengannavara Narasappa (remaining land of Sy.No.59/1)
West	-	D.Hanumantharayappa
North	-	House belongs to Krishnappa
South	-	Conservancy (land of Boranna)

2. In the affidavit the plaintiff has filed the suit for partition and separate possession with respect of suit schedule properties. At the time of filing of suit oversight and illiteracy and innocence have not added some properties. It is stated that recently he obtained documents in respect of item No.8 and insert the suit schedule property. and now he sought for insertion of words due to mistake he had not inserted earlier. Hence, prays to allow the application.

3. On the other hand counsel for defendant No.4 filed objection and prays to the plaintiff has not produced amendment No.1 in the item No.8 of the schedule property. Further stated that, the defendant No.4 is well versed in giving native treatment to the goat and sheep, the brother-in-law having 40 goat frequently due to acute effect of natural claimants falling ill health. The defendant No.4 to given treatment they have provide 2 goats as his service charges. The defendant No.4 sold 5 goats in the market sale proceeds on 30-

12-2004 the defendant No.4 has purchased the Sy.No.59/1 of Veerlagondhi Village measuring 17 gunts from one D.Hanumantharayappa is self acquired property of defendant No.4. Out of Sy.No.59/1 is not family property is defendant No.2 own earned the schedule properties. Hence, prays to dismiss the application.

4. Heard the argument and perused the materials on record.

5. The points arise for determination of this Court as follows:

1. Whether the plaintiffs have made out sufficient grounds to allow the application?

2. What order?

6. My answer to the aforesaid points are as follows:

Point No.1 : In the Affirmative,

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

REASONS

7. **Point No.1:-** On going through the record, it is clear that when the matter was posted for judgment, the counsel for plaintiffs has come up with present application for amendment.

The plaintiffs sought for insertion of Item No.4 and 2 correct the Katha number in Item No.2 and prays to allow the application. On the other hand counsel for defendant No.3 has filed detailed objection and also furnished 3 Supreme Court Judgments, 1) Supreme Today 2009 0 Supreme(SC) 1635, 2) 2013 0 Supreme(SC) 189, 3) 2011 0 Supreme(SC) 603 wherein it is clear that when the matter was posted for judgment the Court has to pronounce judgment.

8. On going through the record it is clear that, the plaintiffs seeking insertion of new Katha number in Item No.2 and insertion of Item No.4 in the schedule as it is also available for partition. It is a suit for partition between the plaintiffs and defendants if this Court pronounced the judgment without inserting the Item No.4 then it is incomplete partition of the properties of the plaintiffs and defendants. If the application is allowed the plaintiffs are entitled to amend the plaint to insert the schedule and then the parties can seek partition in the said properties. If the Item No.4 is added at the time of judgment it will not take away the defence of the defendant. On the other hand the application is rejected it will lead to multiplicity of proceedings and it will not amongst to full and final judgment over the properties of plaintiffs and defendants. Hence, in my opinion it is just and proper to allow the application even at the time of fag end of the trial. Hence, I proceed to answer point No.1 in the **Affirmative**.

9. **Point No.2:-** In view of above assigned reasons, I proceed to pass the following;

ORDER

I.A.No.2 filed by the plaintiffs under
Order 6 Rule 17 of CPC is hereby allowed on
cost of Rs.200/-.

(Dictated to the Stenographer, corrected and then pronounced by me in the open court on this the 12th day of June, 2026)

(Smt.Munirathnamma.C.N)
Addl. Civil Judge & J.M.F.C.,
Pavagada.