

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

Dated this the 24th day of April, 2026

Ex.No.37/2021

Decree Holder : Smt.Latha
W/o J.Ningaiah,
(By Sri.M.B., Advocate)

V/S

Judgment Debtors : Sri.Brahmachari
S/o Late Venkataravanappa,
Dead by Lrs
and others
(Absent)

**ORDERS ON IA NO.2 FILED BY THE DHR UNDER ORDER
ORDER 6 RULE 17 R/W SECTION 151 OF CPC.**

Counsel for DHR filed IA No.2 under Order 6 Rule 17 R/w
Section 151 of CPC seeking permission to delete and include the
words by way of amend the petition.

Proposed Amendment

1. In the first line in petition schedule
property, after the word bearing, these words “Old”
and after Sy. No.150/1, these words “New Sy.
No.150/5” are to be included.

2. In the second line in petition schedule
property, the words “6-00 Acres” has to be deleted,
the words “5 Acres 38 Guntas” are to be inserted in
the same place”.

2. In the affidavit the DHR stated that the DHR has filed execution petition against the JDRs for execution of registered sale deed. During the pending proceedings of the case the petition schedule property got measured which situated in Old Sy. No.150/1. After measuring the petition schedule property, the survey authority has given a new “Sy. No.150/5” and the correct physical possession of petition schedule property has been mentioned as “5 Acres 38 Guntas of land” only. The DHR came to know this fact during the pending proceedings and the said rectification and correction made by Revenue and Survey Authority and the DHR filed application. It is just and necessary to permit her to insert the word “Old” and to insert “New Sy. No.150/5” in the first line in the petition schedule and permit her to delete “6-00 Acres” and to insert “5 Acres 38 Guntas” in the second line in petition schedule property. The proposed amendment will not alter or change the nature of the petition. The decree passed in O.S.No.191/2017 was a compromise decree and there is no any objections from the JDRs. Hence, prays to allow the application.

3. On the other hand, the JDRs are remains absent even after service of notice on them.

4. Heard counsel for DHR.

5. On going through the record, it is clear that when the matter was posted for await commissioner report, the counsel for JDR come up with present application for seeking

permission to amend the petition. On the other hand, the JDRs are not appeared before this Court even after service of Court notice on them. Further the DHR sought for amendment to the petition by saying that it is necessary to amend the petition for effective execution of the decree. Further the DHR intends to delete the Sy. No.150/1 and to add Sy. No.150/5 and also to delete the extent of 6 Acres and to add 5 Acres 38 Guntas which available in the schedule premises. If the application is rejected it cannot be possible to execute the decree in O.S.No.191/2017. Hence it is just and proper to allow application and to permit the DHR to amend the petition as sought for. Hence, I proceed to pass the following;

ORDER

IA No.2 filed by the DHR under Order
6 Rule 17 R/w Section 151 of CPC is hereby
allowed.

The DHR is permitted to amend
petition as sought for.

For amendment and amended petition.

Sd/-
C/c Prl. Civil Judge and JMFC,
Pavagada.