

KATK800001542015



**IN THE COURT OF PRL. SENIOR CIVIL JUDGE
AND J.M.F.C., AT SIRA.**

Dated this the 17th day of February 2026

PRESENT

**SMT. ZARIFA BANU A.R., B.A.L., LL.M.,
PRL. SENIOR CIVIL JUDGE AND J.M.F.C., SIRA.**

O.S.No.25/2015

Plaintiff : Radhikha

V/s

Defendants : S.Thippeswamy dead by LR's and
others.

PARTIES TO I.A.NO.18

Applicant : Radhikha

..... Plaintiff

V/s

Opponents : S.Thippeswamy dead by LR's and
others.

.....Defendants.



ORDERS ON I.A. No.18

I.A.No.18 filed by the plaintiff U/O 6 Rule 17 r/w Sec.151 of CPC seeking permission to amend the plaint for the reasons stated in the annexed affidavit.

2. In the annexed affidavit the plaintiff has sworn that, she has filed the suit against the defendants for partition and separate possession with respect to schedule properties. During the lifetime of her father Poornaiah @ D. Poornachandra Rao S/o Sriramulu was purchased the land bearing Sy.No.42/9, measuring 03.17.00 acres, jatha measuring 03.10.00 acres from his lawful vendor on 30-05-2007 by registered sale deed, the property situated at Gowdagere village, Gowdagere Hobli, Sira Taluk and her father was in possession and enjoyment over the sale deed schedule property and after the demise of her father she has continued in possession and enjoyment of the said property as owner. Now the defendants are colluded with each other and creating the document and illegally changed the katha and pahani with respect to Sy.No.42/9, without her knowledge. Hence all the created documents created by defendants are not binding upon her with respect to said Survey number property. The present katha and pahani is stands in the name of defendant



No.7. But now the defendant No.7 is trying to alienate the property by illegal way but at the time of filing the suit by over sight the Sy.No.42/9 is not mentioning in her plaint at suit schedule property :A” column. Hence today she is instructing to her Counsel for filing the present application for amending in her plaint as per Law, in the interest of justice and equity. If this application is allowed no harm or injury will caused to other side, if the application is not allowed, she will be put to irreparable loss and injuries which cannot be compensated by any means. Hence, prays to allow the application.

3. Per contra, the counsel for the defendant No.5 to 7 has filed objection and contended that, the application filed by the plaintiff is not maintainable in law. There is no valid and tenable grounds to allow the same. The allegations made in the application and affidavit, are all false and denied herewith. The applicant has sworn a false affidavit for filing this application. The amendment sought by the plaintiff in the application is not necessary to adjudicate the matter in dispute. Moreover has filed the same after the concluding the evidence of plaintiff. Hence, it is highly belated and is is not maintainable in law and facts of the case. There is no bonafide in the application



filed by the plaintiff, hence it is deserved to be rejected at compensatory cost. The plaintiff has not come to the court with clean hands and she filed this application only to harass the defendants and drag on the proceedings. Hence, prays to reject the application with exemplary cost.

4. Heard on both side.

5. The points that arise for the consideration of this court is as follows:

1. Whether the plaintiff has made out grounds to allow the I.A.No.18 ?

2. What order?

6. The findings on the above point are as follows:

Point No.1: In the Affirmative.

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

REASONS

7. Point No.1:- The suit of the plaintiff is for partition and separate possession. The plaintiff contended that during the lifetime of her father Poornaiah @ D. Poornachandra Rao S/o Sriramulu was purchased the land bearing Sy.No.42/9, measuring 03.17.00 acres, jatha measuring 03.10.00 acres from his lawful vendor on 30-05-



2007 by registered sale deed, by oversight she has not included the said property in this suit, now she intended to include the said property by way of an amendment. On the other hand the defendants contended that the plaintiff filed this application at this belated stage only to drag on the proceeding. It is to be noted here that the suit is one for the partition and separate possession. Thus, the plaintiff needs to include all the joint family properties and implead all the joint family members to adjudicate the matter properly. The plaintiff in the application contended that the aforesaid properties are the ancestral and joint family properties. As such, the plaintiff needs to plead and prove all the necessary facts which is necessary to adjudicate the matter.

8. Furthermore, as per Order 6 rule 17 of CPC the court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

9. Furthermore, the proposed amendment sought by the plaintiff is necessary to determine the real question in



controversy between the parties and the same is not change the nature of the suit. As such no prejudice will cause to the defendants if application is allowed. Thus, for all these reasons in order to avoid multiplicity of proceedings I.A. is liable to be allowed. Hence, I answer the above point No.1 in the **Affirmative**.

10. **Point No.2:** In view of the findings on point No.1, I proceed to pass the following :-

ORDER

I.A.No.18 filed U/O 6 Rule 17 r/w Sec.151 of CPC by the plaintiff is hereby allowed on cost of Rs.500/-.

Call to carried out amendment and to furnish amended plaint on 25.02.2026.

(Dictated to the Stenographer directly on computer, typed by her, revised, corrected by me and then pronounced in the Open Court on 17th day of February 2026).

(Zarifa Banu A.R.)

Prl. Senior Civil Judge and
J.M.F.C., Sira.