

KAUK020022072022



O.S.33/2022

IN THE COURT OF
PRL. SNR. CIVIL JUDGE AND CJM COURT, KARWAR
AT , UTTARA KANNADA

PRESENT: Smt. Kavita S.Undodi,
B.A. LL.B(Spl)
Prl. Senior Civil Judge & CJM and
1st Addl. M.A.C.T., Karwar.

DATED: THIS THE 8TH DAY OF APRIL-2026

O.S.No.33/2022

PLAINTIFFS:

- 1) Shashikala Revankar and others.

V/s.

DEFENDANTS:

- 1) The President,
St. Miclle Mother, Superior and others.

Parties to I.A.VIII

APPLICANTS/PLAINTIFFS:

- 1) Shashikala Revankar and others.

V/s.

OPPONENTS/DEFENDANTS

1. The President,
St. Miclle Mother, Superior and others.

1	Provision under which the application is filed	:	under order 6 Rule 17 R/w section 151 of C.P.C.
2	Relief sought for	:	For amend the plaint
3	The date on which the application is filed	:	I.A.No.VIII on 24-03-2026
4	Number of the application	:	I.A.No.VIII
5	The date on which the objections are filed by different opponents	:	26-03-2026
6	The date on which the orders were passed on the said application	:	08-04-2026

:: ORDERS ON I.A.No.VII ::

The plaintiff has filed application under Order 6 Rule 17 R/w section 151 of C.P.C. for amendment of plaint.

2. The plaintiff No.2 sworn to to I.A stating that they have filed the suit for recovery of possession of the schedule properties. That their grand father late Shri.Krishna Pandurang Anvekar @ Shet has purchased the suit schedule properties in the year 1935 and after the death of their grandfather his legal heirs got entered their names in the revenue records. The suit properties inherited by his children. Their grandfather had given the suit schedule properties to the defendants to use play ground with a condition that when the properties required to their family members, the

defendants have to return the property to the plaintiffs. The defendants are using the suit property as a play ground. They have requested the defendants to hand over the peaceful possession to them and sent the legal notice to hand over the possession, but defendants have not handed over the suit schedule property. In this suit the defendants appeared through their counsel and filed the written statement contenting that they have perfected their title over the suit schedule properties by way of adverse possession. After evidence of plaintiff side is closed case is posted for defendants evidence. In the cross-examination of DW-1 she has denied right, title and interest of the plaintiffs over the suit schedule properties. The proposed amendment do not change the nature of the suit. The amendment is necessary to do justice to the plaintiffs and prayed to allow the application.

3. On the other hand, the defendants have opposed the application by filing written objections and stated that, application has been filed after cross examination of DW.1 partly. The proposed amendment gives rise to new cause of action and also the nature of suit. The application filed by the plaintiff is in order to fill up the lacuna of the case and also delay the matter and prayed to reject the I.A.

4. Heard on I.A.No.VIII.

5. The following points arises for my consideration;

1. **Whether proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties?**
2. **What order?**

6. My answer to the above points is as under:

Point No.1 – In the **Affirmative**

Point No.2 – Is as per the final order for the following;

:: REASONS ::

7. Point No.1:- The plaintiff has filed suit for declaration that defendant are in permissible possession of the the suit schedule property and for mandatory injunction to handover the vacant possession of the northern side of property measuring 01-00-011 of Baad – III and for mesne profits. When the case was posted for further cross of DW-1, the plaintiffs have filed this application stating that their grandfather has purchased suit schedule properties in the year 1935 and their grandfather had given the suit schedule properties to use the properties as a play ground with condition that the defendants have to handover the suit schedule properties when they require the suit schedule properties. They have requested to hand over the suit schedule properties , but not handed over the suit schedule properties. In the written statement the defendants have contended that, they have perfected their title over the suit schedule propeties by way of adverse possession and in cross examination DW-1

denied their title over the suit schedule properties, hence it is necessary to amendment of the plaint.

8. The plaintiffs have filed suit for declaration and mandatory injunction. Now the plaintiffs wants to amend the plaint stating that their grandfather has purchased the properties and after death of their grandfather legal heirs have succeeded the suit schedule properties. In the cross-examination DW-1 denied the title of plaintiff. Therefore, they wants to amend the plaint.

9. The plaintiffs now wants to incorporate the relief of declaration of title over the suit schedule properties stating that, the DW-1 denied the title over the suit schedule properties. On the other hand, the defendants are claiming their title over the suit schedule properties by way of adverse possession. The plaintiffs have approached the court claiming reliefs, therefore they have to prove their case. The plaintiffs have narrated the origin of suit schedule properties in the plaint. Therefore the proposed amendment will not change the nature of the suit. The defendants are having every right to cross examine the PW-1 in respect of contention taken by them in objections. To avoid multiplicity of proceedings, if the I.A is allowed on cost it will meet the ends of justice, accordingly point No.1 is answered in **Affirmative**.

10. Point No.2 : In view of the above discussion, I proceed to pass the following;

ORDER

**I.A.No.VIII filed by the plaintiffs
under Order 6 Rule 17 R/w section 151
of C.P.C is hereby partly allowed on cost
of Rs.300/-.**

(Directly dictated to Stenographer on Lap-tap, print out taken by her, corrected and then pronounced by me in Open-Court this the 8th day of **April 2026**).

For amendment and furnishing amended plaint.