

KAUK510004322024



Presented on : 26-03-2024

Registered on : 26-03-2024

Decided on : 14-08-2025

**IN THE COURT OF CIVIL JUDGE & JMFC, HALIYAL**  
**AT: HALIYAL, UTTARA KANNADA**

**Dated this 14<sup>th</sup> day of August, 2025**

**PRESENT**

**Smt. Geeta.** B.A.LL.B (Hon's) LL.M.,  
Civil Judge and JMFC, Haliyal

**ORIGINAL SUIT NO.50/2024**

**BETWEEN:**

1. Shri. Subbarao S/o Durgani Karanjekar,  
Age: 60 years, Occ: Agriculture,  
R/o : Malvad, Tq: Haliyal,  
Dist: Uttar Kannada.

**.....Plaintiff**

**(By Sri. M.R.M., Adv.,)**

**AND:**

1. Shri. Narayan S/o Durgani Karanjekar,  
Age: 65 years, Occ: Agriculture,  
R/o. Mangalawad, Tq: Haliyal,  
Dist: Uttar Kannada and others.

**....Defendants**

**(By Miss.U.A.M/Smt. R.M.K., Advs.,)**

**I.A.No.II**

**Applicant/Pliff :Sri. Subbarao S/o Durgani Karanjekar.**

**-Vs.-**

**Opponents/Defts: Sri. Narayan S/o Durgani Karanjekar  
and others.**

**ORDER ON I.A.NO.II**

I.A No.II filed by the plaintiff under Order VI Rule 17 R/w Section 151 of C.P.C., praying to permit him and to amend the plaint and insert proposed Para No.7 and prayer Para No.(f).

2. In the affidavit, the plaintiff stated that, he has filed this suit for the relief of partition, declaration and separate possession and now he filed this application to amend the plaint and insert Para No.7 and Prayer No.f in the plaint. If the application is allowed, no hardship will be caused to the defendants and the proposed amendment will not change nature and cause of action. With these contentions, the plaintiff prayed to allow the application.

3. In spite of sufficient opportunity, the defendants not filed objections to I.A No.II taken as not filed.

4. Heard plaintiff's counsel and perused the records.

5. Now the points that arise for consideration are as under;

**1. Whether plaintiff has made out grounds to allow the application and permit him to amend the plaint as per proposed amendment?**

**2. What order?**

6. Answers on the above points are as under;

**Point No.1 : In the Affirmative**

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

### **REASONS**

7. **POINT NO.1:-** The plaintiff filed this suit for the relief of declaration, partition and separate possession with respect to suit properties. After appearance, the defendants not filed the written statement. When the matter is posted for judgment, the plaintiff filed this application along with I.A No.III to produce documents seeking permission to amend the plaint and insert Para No.7 to state that, Schedule 'A' property was not partitioned legally and plaintiff and defendant no.1 and 14 were cultivating the said land. Therefore, they are commonly enjoying said property without partition. Therefore, said property has to be divided between the plaintiff and defendant no.1 to 14. The plaintiff also intends to plead that, the deceased Sri. Durgani Hanumant Karanjekar died, after his death, the defendant no.1 and 14 without the consent and knowledge of the plaintiff colluding with each other and got entered their names in the Gram Panchayat records with respect to Schedule 'B' property. Therefore, the said entries are not binding upon him.

8. On perusal of proposed amendment, the plaintiff intends to plead some more facts relating to suit property. As the suit is for partition and separate possession with respect to suit properties,

all facts relating to suit properties have to be pleaded for complete adjudication of the matter. Further, the proposed amendment will not change the nature of suit and cause of action. Under these circumstances, the plaintiff has to be permitted to amend the plaint and insert proposed amendment. Moreover, the defendants not contested the suit and not filed objections to I.A No.II. Under these circumstances, the plaintiff has made out grounds to allow the application. Hence, **I answer Point no.1 in the Affirmative.**

**9. POINT NO.2 :-** In view of discussion on Point No.1 and for the reasons stated therein, I proceed to pass the following;

**ORDER**

**I.A.No.II filed by the plaintiff  
under Order VI Rule 17 R/w Section  
151 of C.P.C., is hereby allowed.**

**For amendment and amended  
plaint.**

**No order as to costs.**

(Dictated to the Stenographer, transcribed and typed by her, then corrected, signed and pronounced by me in the Open Court on this the **14<sup>th</sup> day of August, 2025**)

**Sd/-  
(Geeta)  
Civil Judge & JMFC.,  
Haliyal**