

IN THE COURT OF THE SENIOR CIVIL JUDGE AND ACJM,

KARKALA

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and ACJM, Karkala.

Dated: This the 16th day of July , 2025.

O.S.No.56/2020

Jagadish Acharya

..Plaintiff

Versus -

Ramesh Acharya and others

..Defendants

PARTIES TO I.A.No.7

Sri. Jagadisha Acharya,
Aged about 48 years,
S/o. Janardhana Acharya,
Residing at Indaru Darkast House,
Belman Village and Post,
Karkala Taluk, Udupi District.

..Applicant/ Plaintiff

- Vs -

1. Sri. Ramesh Acharya,
Aged about 63 years,
S/o. Late Janardhana Acharya,
2. Smt. Vasanthi Acharya,
Aged about 61 years,
D/o. Late Janardhana Acharya,
W/o. Janardhana,
3. Smt. Lalitha Acharya,(Since deceased)
Aged about 57 years,
D/o. Late Janardhana Acharya,
W/o. Venkatesh,

3(a) Smt. Meenakshi,

Aged about 41 years,
D/o. Late Lalitha Acharya,

3(b) Sri. Mohan Acharya,
Aged about 39 years,
S/o. Late Lalitha Acharya,

3(c)- Sri. Shankara Acharya,
Aged about 37 years,
S/o. Late Lalitha Acharya,

3(d) Sri. Suresh Acharya,
Aged about 35 years,
S/o. Late Lalitha Acharya,

3(e) Smt. Geetha Acharya,
Aged about 33 years,
D/o. Late Lalitha Acharya,

3(f) Sri. Prakash Acharya,
Aged about 31 years,
S/o. Late Lalitha Acharya,

No.3(a) to 3(f) are residing at
Shankarapura, Innanje Village,
Kaup Taluk.

4. Smt. Sujatha Acharya,
Aged about 56 years,
D/o.Late Janardhana Acharya,
W/o. Sathish,

5. Sri. Udaya Acharya,
Aged about 53 years,
S/o. Late Janardhana Acharya,

6. Smt. Sumangala Acharya,
Aged about 50 years,
D/o. Late Janardhana Acharya,
W/o. Suresh,

Defendant No.1 to 6 are residing
at Indaru Darkast House,
Belman Village and Post,
Karkala Taluk, Udupi District.

7. Sri.Raghurama Rao,
Aged about 36 years,
S/o. Chandrashekhara Rao,
Residing at Rama Prasad,
Nandalike Village and Post,
Karkala Taluk, Udupi District.
8. Sri. Santhosh Acharya,
Aged about 37 years,
S/o. Madhava Acharya,
Residing at Mogaveera Pattana,
Ullala, Mangalore Taluk,
D.K. District.
9. Sri.Prashanth Acharya,
Aged about 38 years,
S/o. Shamaraya acharya,
R/at. Soorante Mane,
Kallya Village and Post,
Karkala Taluk, Udupi District. .. Opponents/Defendants

i.	Provision under which the application is filed	Order VI Rule 17 of CPC
ii.	Relief sought for	To amend the plaint
iii	The date on which the application is filed	10-03-2025
iv	Number of the application	I.A.No.7
v	The date on which the objections are filed by different opponents	23-06-2025
vi	The date on which the orders were passed on the said application.	16-07-2025

ORDER ON I.A.NO.7 FILED UNDER ORDER VI RULE 17 OF

C.P.C.

Application is filed by plaintiff seeking amendment of plaint schedule property.

2. The application was filed under Order 17 of C.P.C., where it is barred on the provision of law, though the counsel for the plaintiff was seeking amendment. However by filing memo , counsel for the plaintiff corrected the provision of law as Order VI Rule 17 of C.P.C.

3. The plaintiff deposes that as per the written statement of the 7th defendant, the 5th defendant has sold portion of the property to the 9th defendant. Thus the 9th defendant has been impleaded and thus the plaint requires amendment.

4. The counsel for the defendant No.7 filed objections and denies that the 5th defendant has no authority to sell the portion of property in favour of the 9th defendant and prays to reject the application.

5. Heard from the counsel for plaintiff and counsel the defendant No.7 .

6. The following point arise for my determination.

“Whether the proposed amendment is necessary at this stage?”

7. My answer to the above point is in ‘affirmative’, for the following

REASONS

8. The plaintiff is trying to insert a paragraph by way of amendment, where he is stating that the sale deed in favour of defendant No.9 by the defendant No.5 is a void document and not binding upon the plaintiff. The amendment is sought at a belated stage. However this amendment is sought after impleading of defendant No.9. Thus the proposed amendment is immediately after the knowledge of the sale of the property, which is well within the period of limitation. The objection of the defendant No.7 is very formal one . Whether the said document is binding or not is the burden to be proved by the plaintiff . Therefore holding that the amendment is necessary at this stage the above point is answered in affirmative.

9. In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No.7 filed by the plaintiff under Order VI Rule 17 of C.P.C., is here with allowed.

Counsel for the plaintiff is permitted to amend the plaint.

(Dictated to the Stenographer, transcribed by her , transcript corrected and then pronounced in Open Court on this the 16th day of July, 2025.)

(SHARMILA C.S.)

Senior Civil Judge & ACJM, Karkala