

KADG420002552010



IN THE COURT OF THE CIVIL JUDGE AT HARAPANAHALLI.

**Present : Shri.Manu Sharma S.P.,
B.A.LAW.LL.M.
Civil Judge and JMFC, Harapanahalli**

Dated this 4th day of December 2025

OS No.24/2010

PLAINTIFF/s

1. Kumari D.V.Jyothi D/o
D.Venkanagowda, Age about 25 years,
Occ: Advocate.
2. D.V.Maheshwari D/o
D.Venkanagowda, Age about 23 years,
Occ: Doctor, through GPA holder
D.Venkanagowda, S/o Late Rudra
Gowda, Aged about 67 years, R/o
Shree Kalakrupa Nilaya, Near Shri
Shankara Mata, Harihara-Hosapete
Raod, Harapanahalli, Harapanahalli
Taluku, Davanagere District.

(Partly in person.,)

-Vs.-

DEFENDANT/s

1. Chief Officer, Town panchayath,
Harapanahalli.
2. H.Althaf S/o Dadu Sab, Aged about
32 years, Bismilla Hotel owner, R/o
Shri Anjineya colony, Harihara-
Hosapete Road, Harapanahalli,
Davanagere District.

3. D. Imbran Bhasha S/o D.Kalandhar Sab, Major, Stamp writer and municipal councillor, R/o near Tayi Hunasimara, Harapanahalli town, Vijayanagara District.

**(D.2 & 3 By Sri. B.K.M. Adv)
(D1 Placed exparte)**

ORDER ON IA No.XII

**PLAINTIFF
/s/APPLICANT/s**

1. Kumari D.V.Jyothi D/o
D.Venkanagowda, Age about 25
years, Occ: Advocate.

2. D.V.Maheshwari D/o
D.Venkanagowda, Age about 23
years, Occ: Doctor, through GPA
holder

D.Venkanagowda, S/o Late Rudra
Gowda, Aged about 67 years, R/o
Shree Kalakrupa Nilaya, Near Shri
Shankara Mata, Harihara-Hosapete
Raod, Harapanahalli, Harapanahalli
Taluku, Davanagere District.

-Vs.-

**DEFENDANT/s/OPPONE
NT/s**

1. Chief Officer, Town panchayath,
Harapanahalli.

2. H.Althaf S/o Dadu Sab, Aged about 32
years, Bismilla Hotel owner, R/o Shri
Anjineya colony, Harihara-Hosapete Road,
Harapanahalli, Davanagere District.

3. D. Imbran Bhasha S/o D.Kalandhar Sab,
Major, Stamp writer and municipal
councillor, R/o near Tayi Hunasimara,
Harapanahalli town, Vijayanagara District.

ORDER ON IA No.XII

1. GPA holder of plaintiffs in person has filed application U/sec.151 of CPC seeking the court to explain the operative portion of the order which is passed on IA No. IX on 11.09.2025 stating that he has not understood about doctrine of relation back and law of limitation the words used in the order.

2. Application is supported by affidavit of GPA holder of plaintiff.

It is stated in the affidavit that as per order 6 rule 17 of CPC court can not permit amendment subject to any terms and conditions. Further he has requested the court to tell the operative portion of the order by translating the same into Kannada Language. He has further stated that court should have passed separate order on the memo dated 06.01.2023. He has also stated that he needs explanation from the court on the doctrine of relation back in Kannada Language. Apart from that in para No.1 to 3 of his affidavit he has stated about the merits of the case which are not relevant in deciding the present application.

3. Defendants have filed objection to the application stating that although court passed order on IA No. IX permitting the

plaintiffs to amend the plaint. Plaintiffs have not chosen to do the same and filed this application to harass the defendant No.2 and 3.

4. Based on application and counter the following points arise for my consideration:-

1] Whether plaintiffs have made out grounds to allow the application?

2] What Order?

5. Heard arguments and perused records.

6. My answers to the above points are as here under:-

Point No.1:- In the **Negative**.

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

REASONS

7. **Point No.1:-** GPA holder of plaintiffs in person has filed application U/sec. 151 of CPC seeking the court to explain the operative portion of the order which is passed on IA No. IX on 11.09.2025 stating that he has not understood about doctrine of relation back and law of limitation the words used in the order. Per contra defendant has filed objection to the same stating that although court permitted plaintiffs to amend the plaint he has not chosen to amend the plaint till this date.

8. It is to be noted that plaintiffs have taken the contention that court can not impose any conditions when permitting the party

to amend pleadings. But plain reading of order 6 rule 17 makes it clear that court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner on such terms as may be just. The said provision is extracted here below.

“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 : Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of trial.”

The terms used in the said provision ‘on such terms as may be just’ clearly indicates that court is empowered to permit amendment of pleadings subject to terms. Therefore contention of the plaintiff that court can not pass order permitting amendment by imposing terms and conditions is not acceptable. Plaintiffs have stated in written arguments that his Court has wrongly quoted decision in its order Dtd:11.09.2025. Plaintiffs cannot arise said contention before this Court as this Court itself has passed said order. Apart from that

other points stated by Plaintiff in the written arguments are relevant to decide this application.

9. Another claim of the plaintiffs is that court should explain the meaning of order passed by it on IA No.IX by translating the same into Kannada Language. No such provisions are made available in Civil Procedure code. Party or the GPA holder who is appearing and conducting case as a party in person is expected to understand the orders passed by the court and he can not expect the aid of the court in understanding the implications of the order. So such claim of the plaintiff can not be entertained by this court.

10. Further plaintiffs have expressed his opinion in the application stating that court should have passed separate order on memo Dt.06.01.2023. This court has already passed required order on the said memo and if party is aggrieved by said order it is for him to work out his remedy in accordance with law. Thus viewed from any angle application filed by plaintiff is not maintainable, as such it deserves to be rejected by imposing cost. Hence I answer **point No.1 in the Negative.**

11. Point No.2:- For the reasons stated above I am of the considered opinion that application filed by plaintiff deserves to be rejected on cost. In the result the following:-

ORDER

The Application filed by plaintiffs
U/Sec. 151 of CPC is hereby rejected on
cost of Rs. 1,000/-.

(Dictated to the typist directly on the computer, typed by him, the transcript revised and corrected by me, and then pronounced in the open court on this **4th Day of December 2025.**)

**(Manu Sharma S.P.)
Civil Judge and JMFC.,
Harapanahalli.**