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**IN THE COURT OF PRL CIVIL JUDGE AND JMFC., AT YADGIRI**

**PRESENT**

**Sri. Arun Chougule,  
B.A.LL.B.[Hons.]**

**Prl. Civil Judge and J.M.F.C,**

**Dated this the 20<sup>th</sup> day of January-2026**

**ORIGINAL SUIT NO.131/2017**

|                             |   |
|-----------------------------|---|
| <b>PLAINTIFF/S:-</b>        | <ol style="list-style-type: none"> <li>1. Shivappa S/o Basavaraj Menasin,<br/>Age: 19 years, Occ: Agriculture,<br/>R/o Nandepalli village, Now R/o<br/>Shanthainagar, Yadgiri,<br/>Tq: &amp; Dist: Yadgiri.</li> <li>2. Siddamma D/o Basavaraj Menasin,<br/>Age: 25 years, Occ: Agriculture &amp;<br/>household, R/o Nandepalli village, Tq: &amp;<br/>Dist: Yadgiri. Now R/o Mumbai (M.H).</li> <li>3. Gangamma D/o Basavaraj Menasin,<br/>Age: 28 years, Occ: Agriculture &amp;<br/>household, R/o Nandepalli village, Tq: &amp;<br/>Dist: Yadgiri. Now R/o Bengaluru.</li> </ol> |
|                             | <b>(By Sri.G.B.R Advocate)</b>  |
| <b>-V/S-</b>                |   |
| <b><u>DEFENDANT/S:-</u></b> | <ol style="list-style-type: none"> <li>1. Savaramma W/o Manikappa Gyang,<br/>(Since dead represented by her LRs)</li> </ol>   |

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|  | <p>1(a). Tirupati S/o Manikyappa Gyang,<br/>Age: 38 years, Occ:Agirculture,<br/>R/o: Nandepalli village,<br/>Tq: Gurumiktal, Dist: Yadgiri.</p> <p>1(b). Nagamma W/o Shivashankar Gyang,<br/>Age: 45 years, Occ:Agirculture,<br/>R/o: Nandepalli village,<br/>Tq: Gurumiktal, Dist: Yadgiri.</p> <p>1(c). Anilkumar S/o Shivashankar Gyang,<br/>Age: 22 years, Occ:Agirculture,<br/>R/o: Nandepalli village,<br/>Tq: Gurumiktal, Dist: Yadgiri.</p> <p>1(d). Mahehkumar W/o Shivashankar<br/>Gyang, Age: 20 years, Occ:Agirculture,<br/>R/o: Nandepalli village,<br/>Tq: Gurumiktal, Dist: Yadgiri.</p> <p>1(e). Yallamma D/o Shivashankar Gyang,<br/>Age: 18 years, Occ:Agirculture,<br/>R/o: Nandepalli village,<br/>Tq: Gurumiktal, Dist: Yadgiri.</p> <p>1(f). Renukamma D/o Shivashankar Gyang<br/>(W/o Mogalappa), Age: 40 years,<br/>Occ:Agirculture, R/o: Gorgenoor village,<br/>Tq: &amp; Dist: Yadgiri.</p> |
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|  | <p>1(g). Laxmi D/o Manikyappa Gyang<br/>(W/o Oblayya Gudse Kavaliger),<br/>Age: 38 years, Occ:Agirculture,<br/>R/o: Magnoor village,<br/>Tq: Maktal, Dist: Mahaboob Nagar (TS).</p> <p>2. Anand S/o Manikappa Gyang,<br/>Age: 38 years, Occ: Agriculture,<br/>R/o: Nandepalli village, Tq &amp; Dist: Yadgiri.</p> |
|  | <b>( By Shri.S.H.G Advocate)</b>   |

**IN I.A.No.17**

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| <b><u>Applicants/<br/>defendants :</u></b> | Savaramma W/o Manikappa Gyang<br>since dead represented by her LRs and<br>Another, |
| <b>-V/S-</b>                               |  |
| <b><u>Opponents/<br/>plaintiff :</u></b>   | Shivappa S/o Basavaraj Menasin and<br>others,                                      |

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|-----|---|--|
| i.  | <i>Provision under which the application is filed</i> | Order 6 Rule 17 Of<br>CPC.                           |
| ii. | <i>Relief sought for</i>                              | <i>Permission to Amend the<br/>Written Statement</i> |
| Iii | <i>The date on which the application is filed</i>     | 18.12.2025   |
| iv. | <i>Number of the application</i>                      | IA No.17   |

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|-----|--|-------------------|
| v.  | <i>The date on which the objections are filed by different opponents</i> | <i>09.01.2026</i> |
| vi. | <i>The date on which the orders were passed on the said application.</i> | <i>20-01-2026</i> |

**ORDER ON I.A.NO.17 FILED BY THE DEFENDANTS  
UNDER ORDER 6 RULE 17 OF CPC.**

The defendants have filed the present application under Order 6 Rule 17 of CPC seeking permission to amend the written statement.

2. The defendant No.2 has sworn to an affidavit in support of the application stating that the suit land was sold by Balappa S/o Gejjalappa Menasin in favour of Neelakantappa S/o Lingappa Shetti under a registered sale deed dated 28.05.1974 for consideration of Rs.2,500/-. That, the defendants are the absolute owners and in possession of the suit land and the plaintiffs have no rights over the same. However, the Pw.1 in his cross-examination has denied execution of the sale deed. As such, the proposed amendment is just and necessary and the same would not change the nature of the suit. Hence, the defendants pray to allow the application.

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3. The plaintiffs have filed objections contending that though the suit is filed in the year 2017, the defendants have nowhere whispered anything about the sale deed till today. As such, the defendants cannot be permitted to amend the written statement at this stage. That, there is no mention about the alleged sale deed either in the RTC columns. That, Balappa S/o Gejjalappa has not executed any such document and the same has been got created by committing impersonation. On these grounds, the plaintiffs sought to dismiss the application.

4. Thereafter, I have heard arguments of learned counsel for both parties and perused the records.

5. After hearing the arguments and perusal of pleading and records, the following points arise for my consideration.

**1. Whether the application deserves to be allowed?**

**2. What order?**

6. My findings on the above points are as under;

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

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

**REASONS**

7. **POINT NO.1:** The plaintiffs have filed the present suit seeking the relief of declaration of title, permanent injunction restraining the defendants from interfering with their possession over the suit lands, declaration that the sale deed bearing document No.590/1981-82 is null and void and not binding upon them and alternatively for recovery of possession of the suit lands.

8. The case of the plaintiffs is that the suit properties are their ancestral properties which belonged to their grandfather by name Balappa s/o Gejjalappa Menasin. After the death of their grandfather, father of the plaintiffs by name Basavaraja had become the owner and he was in possession of the suit lands. After the death of their father, the plaintiffs having inherited the suit lands are in possession of the same. It is stated that name of the plaintiffs' grandfather Balappa was appearing in the records till 1974-75. Thereafter, in the year 1974-75, name of one Neelakantappa S/o Lingappa Shetti was

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entered in the records by deleting the name of the plaintiffs' grandfather without any mutation order. The said Neelakantappa was not concerned either to the family of the plaintiffs or to the suit lands. However, taking undue advantage of his name appearing in the records of the suit lands, said Neelakantappa executed registered sale deed bearing No.540/1981-82 in favour of husband of the defendant No.1 and father of the defendant No.2 by name Manikeppa. That, the said Neelakantappa was not having any right over the suit properties and he had no rights to execute the sale deed. It is alleged that, on the basis of illegal revenue entries, the defendants are denying the title of the plaintiffs over the suit lands. Hence, the plaintiffs were constrained to file the suit.

9. The defendants have filed written statement of defendant No.2 denying case of the plaintiffs contending that husband of the deceased defendant No.1 and father of defendant No.2 by name Manikeppa had purchased the suit lands from Neelakantappa under registered sale deed bearing No.590/1981-82 dated 13.07.981. After the death of Manikeppa, the defendants being his LRs inherited the suit

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lands and they are in possession of the same. On these grounds, the defendants sought to dismiss the suit.

10. This Court, having regard to pleadings of both parties, framed necessary issues and posted the matter for evidence of the parties. Accordingly, the plaintiffs got examined the plaintiff No.2 as Pw.1 and other witnesses on their behalf as Pw.2 to 7. Thereafter, the defendants did not lead their evidence in spite of giving sufficient time and opportunities. Hence, evidence of the defendants was taken as nil and the matter was posted for final arguments. At this stage, the defendants filed the present application seeking permission to amend the written statement along with IA Nos.18 and 19 seeking reopen of the matter for their evidence.

11. As the pleadings of the parties would reveal, the plaintiffs claim that the suit properties originally belonged to their grandfather Balappa S/o Gejjalappa, whose name was appearing in the records till 1974-75. The plaintiffs allege that, in the year 1974-75, name of one Neelakantappa was entered in the records by deleting the name of their grandfather without

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any mutation order. Thereafter, on the basis of said illegal entries, Neelakantappa alienated the suit lands in favour of husband of the defendant No.1 and father of defendant No.2 under sale deed bearing document No.590/1981-82. On the other hand, the defendants contend that Manikeppa had purchased the suit land under registered sale deed from Neelakantappa and he was in possession and enjoyment of the same. That, after the death of Manikeppa, the defendants being his legal heirs have inherited the suit lands and they are in possession of the same.

12. It can be seen that, there is no pleading in the written statement as to how the Neelakantappa acquired the suit properties from the grandfather of the plaintiffs. However, the defendants have now come with the pleading that Neelakantappa had purchased the suit properties from the grandfather of the plaintiffs under a registered sale deed dated 28.05.1974 for consideration of Rs.2,500/-. The defendant No.2 in his affidavit filed in support of the application states that, after denial of title by the Pw.1 in his cross-examination, the defendants verified the records and found that the suit

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properties were sold by plaintiffs' grandfather in favour of Neelakantappa under a registered sale deed.

13. Admittedly, alleged execution of sale deed by the plaintiffs' grandfather in favour of Neelakantappa is an important aspect of the matter and the same is essential for effective adjudication of the matter in dispute. As such, the proposed amendment is just and necessary to decide the questions in dispute between the parties. The defendants state that it is only after denial of alienation of suit lands by the Pw.1 in his cross-examination they verified the records in the office of District Registrar. As such, the defendants could not have raised the matter before commencement of trial. Moreover, it is a settled legal position that, an application seeking amendment of written statement has to be considered liberally compared to an application seeking amendment of the plaint. As such, this Court is of the opinion that, the application deserves to be allowed. Hence, the point No.1 is answered in the Affirmative.

14. **POINT NO.2:** In view of the above discussion, the following;

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**ORDER**

IA.No.17 filed by the defendants under Order 6 Rule 17 of CPC is hereby allowed and the defendants are permitted to amend the written statement.

The defendants are directed to amend the written statement and to file the amended written statement on or before the next date.

No orders as to costs.

(Dictated to the stenographer, transcribed by him, transcript corrected by me and then pronounced on this the **20<sup>th</sup> day of January, 2026.**)

**(ARUN CHOUGULE)**  
**PRL.CIVIL JUDGE & JMFC,**  
**YADGIRI.**