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IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC.,

AT: YADGIRI

Present

Sri.Rahul Rao B.A.,LL.B.
Addl. Civil Judge & JMFC.,
Yadgiri.

Dated this 1st day of September, 2025.

Original Suit No.104/2016

Plaintiffs. : Muneer Ahmed S/o Bashir Ahmed.
V/s.

Defendants. : Alemuddin S/o Bashir Ahmed and
others

IA No.XXXI

Applicant : Muneer Ahmed S/o Bashir Ahmed.

V/s

Opponent : Alemuddin S/o Bashir Ahmed and
others

ORDERS ON I.A. No.XXXI

The applicant/plaintiffs have filed IA No.XXXI under order VI Rule 17 of CPC for seeking permission to add proposed amendment as stated in the application.

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2. In the affidavit annexed with application, Plaintiff No.1 has stated that, plaintiff has filed present suit of the relief of partition and separate possession. Further as per wards house of the plaintiffs comes under the ward No.22 Dhobiwada to valmiki nagar. The ward number of area name is changed. The proposed amendment would not change the suit or cause of action since the aforesaid aspects are very much necessary for adjudication of the dispute in controversy between the parties, it is just and necessary to allow the said application in the interest of justice and equity. Hence, she prays for allowing this application in the interest of justice and equity.

3. The counsel for defendants filed objection by denying the averments of the said application and submits that, the proposed amendment chaining location of suit house is willful to avoid dismissal of suit for want of pecuniary jurisdiction. Further suit property located in Sadar Darwaza Yadgiri is more than 5 lack market value. Plaintiff has not

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made out ground to allow this application. Hence prays to dismiss this application.

4. Heard for counsels appearing for plaintiff and defendants on I.A.No.XXXI.

5. The points that arise for consideration are;

1. Whether the amendment sought by the plaintiff is necessary to adjudicate the matter in controversy between the parties ?

2. *What order?*

6. Perused pleadings and materials available on record, the aforementioned points answered as under :

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

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

REASONS

7. **Point No.1** : plaintiff has filed present suit against defendants for the relief of partition and separate possession. Plaintiff has filed this present application to add proposed

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amendment in the plaint as sought in I.A.No.XXXI. Wherein it is stated that, area of suit property comes under ward No. 22 the ward number of area is changed. Hence, prays to allow this application. Defendant in his objection has contented that, plaintiff willfully to avoid dismissal of this suit for want of pecuniary jurisdiction, he has filed this application. The proposed amendment changing the location of suit property.

8. At this stage this court would like to refer principle of **Order 6 rule 17 Code of Civil Procedure 1908** - the amendment ought to be allowed which satisfied two conditions such as;

- (a) if amendment is not working injustice to the other side,
- (b) of being necessary to the purpose of determining the real questions in controversy between the parties.

9. Plaintiff has filed present suit for the relief of partition and separate possession. In the schedule of suit property. It is stated that, property situated at Mohella Sadar Darwaza

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Yadgiri. In the amendment application it is stated that, as per new ward plaintiff house comes under the ward No. 22. Plaintiff has produced voter list wherein address of the plaintiff is within the ward No.22. Further house number mention 4-10-83. Defendant contention that, location of suit property will be changed. On perusal of documents house number mentioned as 4-10-83 in the voter list. Defendant have right to rebut the same by filing additional written statement.

10. At this stage this court would like to rely upon decision of **Hon'ble Supreme Court of India reported in Civil Appeal No.5909 of 2022 between life insurance of India Vs Sanjeev Builders Private Limited,** Hon'ble Supreme Court of India, it is held that in para No.70.

70. Our final conclusion may be summed up this;

(vi) Where the amendment would enable court to pin-pointedly consider the dispute and would in rendering a more satisfactory decision, the prayer should be allowed.

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(viii) Amendment may be justifiably allowed where it is intended to rectify the absence of material particulars in the plaint.

(ix) Delay in applying for amendment alone is not ground to disallow the prayer. Where the aspect of delay is arguable, the prayer for amendment could be allowed and the issue of limitation framed separately for decision.

(xi) Where the amendment is necessary for the court to effectively adjudicate on the main issue in controversy between the parties, the amendment should be allowed.

11. From the provision of Order VI Rule 17 of C.P.C., and above decision of **Hon'ble Supreme Court of India**, it reveals that, the parties can permit to amendment of the pleading if the proposed amendment is not caused injustice to the other side, and it is necessary to determining the real questions in controversy between the parties and rendering a more satisfactory decision. Application should be allowed in view of that this court of opinions that above decision of Hon'ble Supreme Court of India.

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12. By considering the contents of affidavit of the application, pleadings and objection raised by the defendants it discloses that, the proposed amendment is necessary to decide the matter finally and to avoid the multiplicity proceedings of the case and to decide the right of the suit schedule property between the parties. Moreover, it is not caused any injustice to the other side. Hence, **point No.1 is answered in the Affirmative.**

13. **Point No.2 :** For the reasons discussed above, this court proceed to pass the following;

ORDER

IA No.XXXI filed by the plaintiff
U/o VI Rule 17 of CPC, is hereby
partly allowed on cost Rs.200/-.

Plaintiff is permitted to carry out
the amendment.

To carry out amendment of the
plaint and for furnishing the
amended plaint.

Call On : 09-09-2025.

**Addl.Civil Judge & JMFC
Yadgiri.**