

ORDERS ON IA.NO.II

I.A.No.II filed by defendant, under Order VI Rule 17 r/w Sec.151 of CPC, praying to permit her to amend the plaint as sought in the application.

In support of application, defendant sworn to an affidavit and pleaded that she was intended to purchase the schedule premises from the plaintiff. On oral agreement, she spent huge amount for renovation of suit schedule property. Amount spent by her for renovation of suit schedule property, was not included in the written statement. Proposed amendment is necessary. If application is allowed, no hardship or prejudice will be caused to plaintiff. On the other hand, if application is dismissed, she will be put to hardship and loss.

Application resisted by filing written objection, contending that after lapse of 4 years, defendant came up with new pleadings. Without any base or evidence, application is filed, only to drag and protract the proceedings. If application is dismissed, no hardship or prejudice will be caused to defendant, hence, prayed to dismiss application.

Heard both side and perused materials placed before the court.

Application filed, when case posted for further cross of PW-1. On many occasions, defendant sought time for cross of PW-1, at last defendant filed IA.No.II under Order VI Rule 17 of CPC, praying to permit her to amend the written statement by contending that she spent of Rs.14,68,604/- for renovation of schedule premises. Law is very clear that, no amendment shall be

allowed, after commencement of trial. On the other hand, law provides description to the court to allow the amendment, at any stage, if it is necessary for effective adjudication and because of due diligence, party was unable to plead pleadings at the earlier or if amendment relates to subsequent events. According to defendant, she spent amount, for renovation of schedule premises. Before 3 years, defendant filed written statement. PW-1 was partially cross-examined, when case posted for further cross, instant application is filed. No single reason assigned by the defendant to explain delay in filing application and defendant failed to plead about due diligence. Defendant not made out grounds to allow amendment at belated stage. Amendment sought is not necessary for effective adjudication. Application discloses that it is filed only to drag and protract the proceedings, hence, following ;

ORDER

IA.No.II filed by defendant
under Order VI Rule 17 r/w Sec.151
of CPC, is dismissed.

No order as to the cost.

For further cross of PW-1 as last
chance.

Call on 23.07.2026.

**II Addl. S.C.J.& JMFC.,
Anekal.**

