

O.S.No.224/2012

21-03-2023

The counsel for defendants No.7 & 8 filed I.A. under Section 151 of C.P.C. seeking permission to file objections to I.A. Heard I.A. is allowed and objections to I.A. filed under order 6 Rule 17 of C.P.C. is taken on record.

O.S.No.224/2012

Heard counsel for plaintiff and defendants No.7 & 8 on the application filed by plaintiff under order 6 Rule 17 of C.P.C. seeking amendment of plaint. The plaintiff intends to amend the plaint by incorporating additional properties to the suit claim by contending that the said properties are also joint family properties in which he has right over the same. He has claimed right over suit item No.6 to 11 property by virtue of Will Deed dated 22-10-1964.

The defendants No.7 & 8 have opposed the said application by contending that the plaintiff has filed application belatedly without showing any due diligence reason for not including the said pleading on or before settlement of issues. Hence they seeks to reject the application.

The plaintiff has filed this suit seeking for the relief of Partition and Separate Possession in respect of five properties.

O.S.No.224/2012

Now he wanted to include some more properties to the suit claim. He also wanted to claim right under Will Deed dated 22-10-1964. Therefore he seeks to permit him to amend the plaint. The issues are recently settled.

The suit is one for general partition and by the nature of suit, it requires inclusion of all properties in one suit. Therefore in order to effectively adjudicate the rights of parties and to impart conclusive justice the request of amendment could be allowed by imposing cost of Rs.500/- payable to defendant No.7 & 8. The defendants No.7 & 8 are entitled to file additional Written Statement. Hence with this observation the plaintiff is permitted to carry out amendment as sought in I.A.

**Call on : 19-06-2023
for furnishing of amended
plaint.**

**Addl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**