

OS 443/2020

ORDER ON I.A. NO. 7

The plaintiffs have filed I.A. No. 7 under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking amendment of the plaint.

The proposed amendment is to incorporate in paragraph No. 8(a) that despite the order passed by this Court on I.A. No. 1 restraining the defendants from alienating the suit schedule properties during the pendency of the suit, defendant No. 1 along with his family members entered into an Agreement to Sell dated 26.09.2023 agreeing to sell Item No.5 of the suit schedule property in favour of the proposed defendant No. 5. Consequentially, the plaintiff also seeks amendment of the prayer column by seeking a declaration that the said Agreement to Sell dated 26.09.2023 is not binding on the share of the plaintiffs.

Defendant Nos. 1 to 3 have filed objections opposing the application.

Heard the learned counsel for both sides and perused the records.

The proposed amendment arises out of subsequent events alleged to have taken place during the pendency of the suit. The amendment is necessary for determining the real questions in controversy between the parties and for avoiding multiplicity of proceedings. No prejudice will be caused to the defendants which cannot be compensated by

granting them an opportunity to file additional written statement.

In the circumstances, this Court finds sufficient grounds to allow the application.

Accordingly, the following:

ORDER

I.A.No.7 filed under Order VI Rule 17 CPC is hereby allowed.

The plaintiffs are permitted to amend the plaint in terms of the proposed amendment.

The amended plaint shall be filed within the prescribed time.

Call on 03.07.2026 for filing of amended plaint and further proceedings.

Sd/-

**Prl. Sr. C.J & JMFC.,
Devanahalli**