

**OS No.662/2021**

*The matter is posted for clarification regarding the amendment carried out by the plaintiff pursuant to the order passed by this Court.*

*The learned counsel for the defendants submitted that the plaintiff had earlier filed I.A. No.4 under Order I Rule 10 read with Section 151 of the Code of Civil Procedure seeking to implead the proposed party as a co-defendant in the present suit. The said application was allowed by this Court, and the plaintiff was specifically directed to implead the proposed party as a co-defendant.*

*It is further submitted that, contrary to the order passed by this Court, the plaintiff, while carrying out the amendment, has arrayed the proposed party as a co-plaintiff instead of as a co-defendant. It is therefore contended that the amendment carried out is contrary to the judicial order and the plaintiff is liable to be directed to rectify the same by carrying out the amendment strictly in accordance with the order passed by this Court.*

*Perused the amended plaint and the amendment carried out by the plaintiff.*

*On perusal of the records, it is evident that I.A. No.4 was allowed permitting the plaintiff to implead the proposed party as a*

**co-defendant.** However, while incorporating the amendment, the plaintiff has wrongly shown the proposed party as a **co-plaintiff**. Such an amendment is contrary to the express directions contained in the order of this Court and cannot be accepted.

The amendment carried out by the plaintiff is, therefore, not in conformity with the order passed by this Court and is liable to be set aside. The plaintiff is required to carry out the amendment strictly in accordance with the order passed on I.A. No.4 by impleading the proposed party as a co-defendant and to file a fresh amended plaint. Hence I proceed to pass the following;

### **ORDER**

The amendment carried out by the plaintiff in pursuance of the order on I.A. No.4 is hereby **set aside**.

The plaintiff is directed to carry out the amendment strictly in accordance with the order passed by this Court by impleading the proposed party as a **co-defendant** and not as a co-plaintiff.

The plaintiff shall file a fresh amended plaint after carrying out the necessary corrections within the time granted by this Court.

*It is made clear that if the plaintiff fails to comply with the above directions within the stipulated time, the amendment shall stand struck off from the record, and the Court shall proceed further in accordance with law, including passing appropriate orders with regard to the maintainability of the suit.*

*Call on 10.08.2026 for compliance.*

**Sd/-**

**Prl. Senior Civil Judge & J.M.F.C  
Devanahalli.**