

01-02-2025

Plt. - N.S.M.,
Def.2 - Ex-parte
Def.1,3 - A.R.S.R.,

ORDERS ON I.A.No.IV

This is an application filed by the counsel for plaintiffs U/o.VI Rule 17 R/w.Sec.151 of C.P.C , seeking amendment of plaint.

2. In the affidavit, the plaintiff has stated that she has filed the suit for Partition and Separate Possession. The defendants No.4 to 7 came up with application U/o.I Rule 10(2) of C.P.C. The application was allowed and necessary amendment carryout. In order to explain the relationship of the plaintiff with defendants it is necessary to amend the plaint. Hence, prayed to allow the application.

3. The application is opposed by the defendants No.1 and 3 by stating that the same is not maintainable. The proposed amendment is unnecessary and filed without any cause of action. Hence, prayed to reject the application with cost.

4. Heard both sides.

O.S.No.778/2019

5. On going through the contention of the plaintiff it is clear that in view of allowing of application filed by the defendants No.4 to 7 to implead them as parties to the suit, the proposed amendment is necessary. Though, the defendants No.1 and 3 have opposed the application, no reasons are made out to reject the same. I am of the considered opinion that the amendment is not going to change the nature of the suit and it will not take away the cause of action. The amendment is necessary to determine the real question in controversy. Accordingly, the plaintiffs have made out grounds to allow the application. Hence, I proceed to pass the following:

ORDER

I.A. No.IV is allowed.

The plaintiffs are permitted to carryout amendment as sought in application.

**For amendment and amended
plaint by: 03.04.2025.**

Sd/-

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