

The plaintiff has filed I.A.No.5 under Order VI Rule 17 of CPC seeking amendment of the plaint by deleting the pleadings relating to the acquisition proceedings concerning defendant Nos.5 and 6. The plaintiff has also filed an application under Order I Rule 10 of CPC seeking deletion of defendant Nos.5 and 6 from the array of parties.

The plaintiff submits that the suit is filed for specific performance of contract and that the pleadings relating to acquisition proceedings were subsequently incorporated in view of the notification issued by the KIADB/Government. It is submitted that the said acquisition notification has subsequently been withdrawn/recalled and the suit property is no longer under acquisition. Therefore, the presence of defendant Nos.5 and 6 is not necessary and the pleadings relating to the acquisition proceedings are also not necessary.

Defendant Nos.5 and 6 have not appeared and have not filed any objections to the applications. Their objections are taken as nil.

Heard the learned counsel for the plaintiff. Perused the applications and the records.

In view of the subsequent development that the acquisition

notification has been withdrawn/recalled, the presence of defendant Nos.5 and 6 is not necessary for proper adjudication of the suit. The proposed amendment is also necessary for determining the real controversy between the parties. The proposed amendment does not change the nature of the suit or cause of action and does not take away any vested right of the defendants.

ORDER

I.A.No.5 filed under Order VI Rule 17 of CPC is allowed.

The plaintiff is permitted to delete the pleadings relating to the acquisition proceedings as prayed for.

I.A.No.5 filed under Order I Rule 10 of CPC is also allowed.

Defendant Nos.5 and 6 are hereby deleted from the array of parties.

The plaintiff shall carry out the necessary amendment and furnish the amended plaint by 1.10.2026.

Sd/-

Prl. Sr. C.J & JMFC.,

Devanahalli