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ORDER ON I.A.No.VIII

This IA No. VIII has been filed by the Plaintiff when the case was posted for Arguments.

2. The Applicant/Plaintiff has filed I.A.No.VIII under Order 6 Rule 17 of CPC for amendment of the Plaint. By way of Amendment, the Plaintiff intends to add one more relief in the prayer. The following relief is sought to be included in the plaint.

3. In the Affidavit the Plaintiff submitted that, alleged sale deed dated 30-04-2007 is not binding on the plaintiff. The Proposed amendment will not change the nature of suit or cause of action. If the application is not allowed, it will cause irreparable loss and injury which can not be compensated in terms of money. On the other hand if the present application is allowed, no hardship to the opponent. Hence this IA .

4. The Defendants filed objection to IA.VIII. It is contended that, the application is not maintainable either in law or on facts. If the application is allowed it will change the nature of suit and entire case. Plaintiff has filed this application at belated stage. If the application is allowed it will change nature of suit and cause of action. Hence prays to dismiss the application.

5. Heard the arguments from both side.

6. The following points arise for my consideration:

1. Whether the Applicant/Plaintiff has made out a ground to allow the I.A.No.VIII ?

2. What order?

7. My answers to the above points are as follows:

Point No.1 : In the **AFFIRMATIVE**

Point No.2 : As per the final order for the following: -

REASONS

8. Point No.1 :- The Plaintiff has filed this suit for declaration of title and Permanent Injunction against the Defendants.

Order 6 Rule 17 of CPC reads fallows; “Amendment of Pleadings - The court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such

amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial."

9. By way of amendment no additional facts are impleaded . Plaintiff has already stated about the alleged sale deed dated 30-04-2007 in para No.9 and 10 of the plaint. Now plaintiff only intends to seek one more additional relief. The proposed amendment in the Plaint will not change the nature of the suit. The burden to prove the above said facts is on the Plaintiff. Hence at this stage, if the present amendment application is considered, it will not cause any injustice to other side. The Defendants will have an opportunity to prove his contention against the Plaintiff by adducing proper evidence. By considering the facts and circumstances of the case the amendment application sought by the Plaintiff is deserved to be allowed, the proposed amendment is necessary for the purpose of determining the real questions in

controversy between the parties and if application is allowed on payment of cost, it would meet the ends of justice. Under such circumstances, I.A.No.VIII is deserve to be allowed. Hence, I hold point No.1 in **AFFIRMATIVE**.

10. Point No.2 :- For the aforesaid reason and discussion, I proceed to pass the following:-

O R D E R

**I.A.No.VIII filed by the Applicant/
plaintiff under Order 6 Rule 17 of CPC is
hereby allowed on cost of Rs.1000/-
payable by the plaintiff to the defendants.**

**The Applicant/plaintiff is permitted
to amend the plaint as sought in the
I.A.No.VIII.**

(Dictated to the Stenographer on computer and computerized by her, corrected by me and then pronounced in the open court on this the 09th day of July 2026)

(VENKATESHA.N)
ADDL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.

(Order pronounced in the open court in separate)

O R D E R

I.A.No.V filed by the Applicant/Plaintiff under Order 6 Rule 17 R/w Sec.151 of CPC is hereby allowed on cost of Rs.200/- payable by the Plaintiff to the Defendants.

The Applicant/Plaintiff is permitted to amend the Plaint as prayed in the I.A.No.V.

For amendment of Plaint and to furnish amended Plaint by 11.03.2025.

**PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGAR.**