

ORDER ON I.A.No.IV

This IA No. IV has been filed by the Plaintiffs when the case was posted for plaintiff evidence

2. The Applicants/Plaintiffs have filed I.A.No.IV under Order 6 Rule 17 of CPC for amendment of the Plaint. By way of Amendment, the Plaintiffs intends to add some more reliefs in the prayer declaring the said registered documents as not binding on the plaintiffs. Further plaintiffs intends to add certain facts in the plaint with regard to several transactions took place in respect of suit schedule property.

3. In the Affidavit the Plaintiffs submitted that, recently they have changed advocate and he has advised the plaintiffs to amend the plaint. 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 have not filed objections to IA.IV.

5. Heard the arguments.

6. The following points arise for my consideration:

1. Whether the Applicant/Plaintiffs have made out a ground to allow the I.A.No.IV ?

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 Plaintiffs have filed this suit for partition and separate possession in respect of suit schedule property.

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 . Plaintiffs has already stated about the alienation of suit schedule property. But plaintiffs have not given details of said transactions. They have also not sought the declaration with regard to alleged transactions. Now plaintiffs only intends to seek certain additional reliefs and also to give details of said transactions. This suit is for partition and separate possession. In this case trial not yet commenced. 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 Plaintiffs. 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 Plaintiffs by adducing proper evidence. By considering the facts and circumstances of the case the amendment application sought by the Plaintiffs 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.IV 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. IV filed by the Applicants/
plaintiffs under Order 6 Rule 17 of CPC is
hereby allowed on cost of Rs.1000/-
payable by the plaintiffs to the
defendants.**

**The Applicants/plaintiffs are
permitted to amend the plaint as sought
in the I.A.No.IV.**

(Dictated to the Stenographer on computer and computerized by her, corrected by me and then pronounced in the open court on this the 10th day of July 2026)

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

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