

**ORDERS ON I.A No.7 FILED UNDER ORDER 6 RULE 17 OF
CPC**

1. When the case was posted for cross of PW-1. The above application is filed seeking amendment of the plaint.

2. In the affidavit it is stated that due to mistake they have wrongly mentioned the measurement and the name of village wherein the suit schedule property is situated. The same is not an intentional one. If the application is allowed no hardship would be caused to the defendants. Otherwise it may leads to multiplicity proceedings between the parties. Hence, prays to allow the application.

3. The defendant No.1 and 2 filed objections to the above application where in they have contended that the plaintiff is not having actual knowledge about the suit property. When the case was posted for cross examination the above application is filed in order to drag on the proceedings. Hence, on other grounds prays to reject the application with costs.

4. Heard the arguments.

5. The points that arise for my consideration are here under:-

1. Whether the applicant/plaintiff makes out sufficient reasons to allow the application?

2. What Order?

6. My findings to the above said points are as follows :-

Point No.1 :- In the affirmative.

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

REASONS

7. **Point No.1** :- The plaintiff has filed the above suit against the defendants for Partition of her 1/3rd share and declaration that partition deed dated 26-02-2021 is not binding on her share. The defendants appeared through counsel but they have not filed any written statement by denying the suit claim. As the defendants are not having any specific defense on their behalf, it is just and necessary to permit the plaintiff to amend the plaint. Further, the plaintiff intend to rectify the measurement and name of the village, wherein the suit properties are situated by amending the plaint.

In the objections defendant No. 1 and 2 taken a specific contention that the plaintiff is not having proper knowledge about the suit property. But, whether the plaintiff is having share over the suit schedule property or not it requires a full fledged trial. Furthermore, the defendants have not produced any material documents to prove their defense. If the application is rejected parties to this suit may come up with further litigation's. Hence, in order to avoid the same if the application is allowed defendants may not put to any hardship and injustice. The proposed amendment does not changing the nature of the suit nor cause of action.

8. In view of the above reasons, I answer Point No.1 in affirmative.

9. **Point No.2** :- In the light of discussion made above, I proceed to pass the following:-

ORDER

I.A No.7 filed by the plaintiff under Order 6 Rule 17 of CPC is hereby allowed on cost of Rs.500/-.

Plaintiff is hereby directed to amend the plaint and shall furnish amended plaint.

For compliance by: 30-10-2025.

Senior Civil Judge & JMFC,
Hosakote.