

ORDER ON I.A.

The plaintiff has filed the above application under Order 6 Rule 17 of CPC seeking permission to amend the plaint schedule.

2. In the affidavit annexed to the application it is stated that as per partition deed dated 29-12-1962 the suit schedule property was allotted in favour of Fathima.Bi. After her death, the plaintiff's mother were became the owner of the suit schedule property and the sons of Fathima.B had no share over the same. Therefore, seeking declaration in respect of their share does not arise. Hence, prays to allow the application.

3. On sufficient opportunities granted by this court, the defendants have not filed any objections to the present application.

4. Heard arguments. Perused the records.

5. The above suit is filed by the plaintiffs against the defendants for partition and separate possession in respect of suit schedule properties. On perusal of available records, the proposed amendment does not changes the nature of the suit nor cause of action. If the application is allowed, no hardship would be caused to the defendants. Otherwise, it may leads to multiplicity of proceedings between the parties. Hence, on the above said reasons, I proceed to pass the following:-

ORDER

I.A. filed by the plaintiff U/o 6 Rule 17 of CPC is hereby allowed on cost of Rs.1,000/-.

The plaintiff is hereby directed to amend the plaint and shall furnish amended plaint immediately.

For compliance by 14.09.2023

Senior Civil Judge & JMFC,
Hosakote.