

Orders on IA No.4 Under order 6 Rule 17 R/w Sec 151 of CPC,.

This application is filed by the defendant No.13 Under order 6 Rule 17 R/w sec 151 of CPC,. seeking permission to amend the plaint as prayed in the application.

2. It is stated in the accompanying affidavit that recently on verification of pleadings he came to know that while filing written statement due to misconception the proposed amendment has not taken. As such filed this application. The above reason is not intentional. The proposed amendment is very much essential to decide the controversy between the parties . It will not change the nature of the defense. If this application is not allowed they will be put to great hardship and injury. Hence, prayed to allow the application.

3. On the other hand, the plaintiffs have filed objection to the above application stating that, the properties stated in the application are not belongs to the joint family of the plaintiff. The defendants stated survey numbers only, they have not stated in the extent and the locality. The defendant filed this application only to harass the plaintiff. Hence prays for dismissal of the application.

4. Heard both side and perused the material on record.

5. On the basis of application and the objection the following point that arise for my consideration is.

POINT

1. Whether the defendant No. 13 has made out the grounds to allow the application?
6. My findings on the above point is in the affirmative for the following.

//REASONS//

7.Point No.1:- The plaintiffs have filed this suit against the defendant for the relief partition and separate possession with respect to suit schedule property. The proposed amendment sought by the defendants will not change the nature of the suit or cause of action. The burden is on the defendants to prove the proposed amendment. There is no prejudice to the case of the plaintiff. Therefore this court is of the opinion that the application need to be consider in the interest of justice. This application is allowed. Accordingly, I proceed to pass the following.

ORDER

IA.No.4 filed by the defendant No. 13
Under order 6 Rule 17 R/w sec 151 of
CPC,. is hereby allowed.

The defendant is permitted to amend
the written statement as prayed in the
application.

For Amendment and Amended
written statesmen .

By: 16.11.2020.

(Smt. Rohini.D)

Addl Civil Judge & JMFC,.
Sidlaghatta.