

**ORDERS ON I.A.No.5 FILED BY THE
PLAINTIFF U/O.VI R.17 OF CPC**

The plaintiff has filed I.A.No.5 U/O.VI R.17 of CPC and prays this Court to permit him to amend his plaint, so as to delete item No.5 property from the schedule.

2. The defendant No.1 objected this application and filed his written objections.

3. The defendant No.2 and 3 orally objected the application.

4. I have heard both the counsels on this application.

5. The plaintiff has filed this suit against the defendants seeking the relief of partition and separate possession of his 1/3rd share in the suit schedule properties. Now the case stands posted for cross examination of PW.1.

6. By way of amendment, the plaintiff is seeking permission to delete item No.5 property from the schedule column as, the same property is described as item No.1. It means that, a

single property is numbered twice in the schedule of the plaint.

7. The proposed amendment is not inconsistent with the earlier pleadings of the plaintiff. The proposed amendment neither introduce new fact nor take away any admissions. The proposed amendment will assist the Court in elucidating the real dispute between the parties. By considering all these aspects, I proceed to pass the following:

ORDER

I.A. No.5 filed by the plaintiff
U/O.VI R.17 of CPC is hereby
allowed.

The plaintiff is permitted to
amend his plaint as sought in the
application.

To carry out amendment and to
file amended plaint, call on
30.08.2021.

Senior Civil Judge & JMFC
Hiriyur