

**ORDERS ON IA.III.**

This interim application has been filed by the plaintiff, under Order VI Rule 17 R/w Sec.151 of CPC seeking for the application schedule amendment by contending that at the time of filing of

the suit, the plaintiff by oversight and typographical error, could not state about some important aspects, which have been left out. The insertion of the proposed amendment is necessary and same will not change the nature of suit or cause of action.

2. The defendants have not filed any objections to this application.

3. Heard Sri. BR Advocate for plaintiff. Perused the case records.

4. The points that arise for consideration are as follows:

1. Whether the proposed amendment is necessary for the effective adjudication of the suit on hand?

2. What order?

5. With reference to the material made available on record the above points answered as follows:

Point No.1 - In the Affirmative

Point No.2 - As per the final order,  
for the following;

### **R E A S O N S**

6. **Point No.1** :- The instant suit has been filed by the plaintiff seeking for the relief of specific

performance of contract based on the alleged sale agreement dated 19.03.2019 said to have been executed by the defendants with respect to the suit schedule property. Under the present application, the plaintiff has sought for the amendment of plaint seeking to insert better particulars with respect to the payments made by him to the defendants towards advance sale consideration, wherein, if para No.3 of the plaint is given reference all the details are mentioned except the date of making payment and the proposed amendment sought to the plaint is based on the documentary evidence and therefore, it is found essential to allow this application, in the interest of justice and equity. No harm or prejudice will be caused to the defendants and the proposed amendment will not change the nature of suit or cause of action. Thus, under the facts and circumstances of the suit on hand, the proposed amendment deserves to be allowed. Accordingly, the **point under consideration is answered in the Affirmative.**

7. **Point No.2** :- In view of the findings on the foregoing point, the following;

**ORDER**

I.A.III filed by the plaintiff,  
under order VI Rule 17 R/w

OS 51/2023

Sec.151 of CPC is allowed with  
costs of Rs.2,000/-.

For amendment of plaint  
and to file amended plaint by:  
17.03.2026.

(Dictated to the Stenographer directly on computer, corrected  
by me and then pronounced in open court on this 4<sup>th</sup> day of March -  
2026)

**Sd/-**  
Senior Civil Judge,  
Kadur.