

## **ORDERS ON IA.VI**

This I.A. has been filed by the plaintiff, under Order 6 Rule 17 R/w Sec.151 of CPC seeking for the insertion of application schedule amendment in his plaint.

2. This application is accompanied by an affidavit filed by the plaintiff. The gist of the application averment is that after filing of the suit the National Highway Authority has acquired 0-34 guntas of property in the Sy.No.6/4 of K.Thimmapura village and only 0-17 guntas of property is remaining in the said survey number. Hence, it is just and necessary to bring the said facts in the plaint. In order to set right the same, it is sought to allow the present application.

3. The opponents/defendants despite of good number of opportunities have failed to file any objections. Therefore, their objections are taken as not filed.

4. Heard Sri. BR, Advocate for applicant/plaintiff. Perused the case records.

5. 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?

6. 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**

7. **Point No.1** :- This suit is for the relief of specific performance of contract based on the registered sale agreement dated 21.05.2015 with respect to an extent of 0-30 guntas of land, out of 1 acre 11.08 guntas in Sy.No.6/4 of K.Thimmapura Village, Kasaba Hobli, Kadur Taluk. In plaint para No.6, there is a specific reference regarding the acquisition of a portion of suit schedule property. Initially, this suit was reserved for judgment and after noticing the fact regarding the averments of acquisition, this court sought better particulars in order to adjudicate the dispute effectively. As a consequence of the same, this application has been filed in order to furnish better particulars and to restrict the claim of plaintiff with respect to the remaining property apart from the property acquired under the sale agreement. The proposed amendment will not change the nature of suit or cause of action and same would assist the court to arrive at just conclusion of the case. More so, the defendants have not filed any objections and by considering all the above aspects, the **point under consideration is answered in the Affirmative.**

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

**ORDER**

I.A.VI filed by the plaintiff under order 6 Rule 17 R/w Sec.151 of CPC is allowed on cost of Rs.500/-.

For amendment of plaint and to file amended plaint by:

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced in open court on this 15<sup>th</sup> day of October - 2024)

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