

Date: 26.06.2024

OS No.175/2021

ORDER ON IA.NO.II UNDER ORDER VI RULE 17 R/W

SECTION 151 OF CPC

The plaintiff has filed the application No.II U/o VI Rule 17 R/w Section 151 of C.P.C to permit her to amend the plaint.

2. In the affidavit it is stated that, the proposed amendment is necessary to decide the dispute between the parties. This suit is for permanent injunction against the defendants. It is stated that, proposed amendment is crept in the plaint. Therefore, the plaintiff has prayed to allow the application.

3. After the filing of the I.A No.II, The notice was issued to the defendants, but the defendants have not appeared nor filed objection to I.A.

4. Heard, perused records.

5. This suit is filed by the plaintiff is for the relief of for permanent Injunction against the defendants. The present pleadings sought to be amended, the plaintiff wanted to inserting the item 'A' and 'B' and also

seeking declaration of title over suit 'A' property and further seeking relief of mandatory injunction over the 'B' schedule property. As per the prayer of the plaintiff, the plaintiff wanted to rectifying her pleadings in the plaint. Further, the proving of title and encroachment of the suit property is to be decided at the time of the trial. Moreover, the defendants have not filed their respective objections to the IA. The proposed amendment will not cause any loss or injustice to the defendants. This will change the nature of the proceedings, but if amendment is not allowed it will again lead to the another ground of litigation. In order to avoid further litigation between the parties, I feel it just and proper to allow the application subject to payment of cost payable to the Court so that, the plaintiff should be compensated by way of costs. So, I proceed to pass the following:

ORDER

The IA No.II filed by the plaintiff
U/o VI Rule 17 R/w Section 151 of CPC
is hereby allowed on cost of ₹.1000/-
payable to the Court.

The plaintiff is permitted to carry out amendment has sought in the application.

For amendment and amended
plaint by 19.07.2024.

[SHIVAKUMARA.G.J]
Prl. Civil Judge and JMFC.,
Gundlupet.