

Order on IA No.IV.

This application has been filed by the plaintiffs U/O VI Rule 17 of CPC praying to amend the plaint.

This application has been opposed by the defendant by filing objection.

This suit has been filed by the plaintiff by name Venkataranganayaka against the defendant for the relief of bare injunction, during the pendency of this suit, the plaintiff has expired, his LRs have been brought on record as plaintiff Nos.1(a) to (c).

It is the case of the present plaintiffs that at the time of filing of suit, in the schedule of the suit property towards western side it was mentioned that there is the property of defendant. However, later on one Bheemappa Y.S S/o Shivaiah has purchased that property through registered sale deed and in that sale deed towards the eastern side this suit schedule property has been mentioned. Hence, the plaintiffs are seeking the amendment with regard to schedule to say that towards the western side the property of Bheemappa is situated. Further in the entire pleadings it has been pleaded that the defendant is the adjacent owner towards the western side of the suit schedule property and he is trying to encroach the suit schedule property. Now since the property which is situated towards the western side of the suit schedule property has been sold to Bheemappa, the plaintiffs are intending to amend the phrases which indicates that the defendant is the adjacent owner and his alleged attempt to encroach. The objections raised by the defendant will going to the merits of the case, these objections can never ever be looked into at the time of deciding amendment application. Though there is some delay in filing this application, still the evidence is yet to be commenced, therefore the Court shall generally allow the amendment. Further the proposed amendment is very much required for determining the real question in controversy between the parties and also it is well settled law that the merits of the amendments are hardly

relevant at the time of deciding an application for amendment. Therefore, justice demands that this application has to be allowed, as a result, I proceed to pass the following:-

ORDER

The IA No.IV filed by the plaintiffs U/O VI Rule 17 of CPC is hereby allowed on cost of Rs.500/- payable by plaintiffs to defendant. For payment of cost, for carrying out of amendment and for furnishing of amended plaint by 09.07.25.

03.05.2025.

The Civil Judge and JMFC., Yelandur.