

ORDER ON IA.No.X

This application has been filed by the defendant No.2 U/O VI Rule 17 R/w 151 of CPC praying to amend the written statement. The defendant No.2 who has filed this application seeks to insert paragraph No.6(a) in the written statement containing few facts with regard to previous partition dated 09.10.2015, execution of the will dated 29.09.1973 by Rangaiah in favour of Nanjaiah etc.

2. Per-contra in the objection filed by the plaintiffs it is contended that the proposed amendments are false not such will was executed etc. Further it is contended by the plaintiffs that this application has been filed only to drag the proceedings and at this stage this application is not maintainable.

3. Heard both the sides and perused the available materials on record.

4. It is well settled law that the merits of the proposed amendments are hardly relevant at the time of deciding an amendment application. Admittedly, this application has been filed at the stage of argument. On this sole technical ground if this application is rejected, it may lead to multiplicity of proceedings and on the other hand if this application is allowed the case can be decided at one

stretch on merits in every aspect. Furthermore the proposed amendment is necessary for deciding real question and controversy between the parties. Since, this application is filed at the every belated stage, a reasonable cost may be imposed on the applicant/defendant No.2, as a result I proceed to pass the following:-

ORDER

IA No.X filed by the defendant No.2 U/O VI Rule 17 R/w 151 of CPC is hereby allowed on cost of Rs.1,500/- payable to plaintiffs.

For payment of cost, for carrying out of amendment and furnishing of amended written statement by 07.07.2023.

06.06.2023
**Civil Judge & JMFC.,
Yelandur.**