

ORDER ON I.A.NO.IV

It is the application of plaintiffs under Order 6 Rule 17 R/w Sec.151 of CPC praying for the permission to amend the pleadings. The same is filed at the stage of plaintiff evidence.

2. The plaintiff has sworn the affidavit, wherein he made out grounds for maintaining this application to the effect that after filing the suit the defendant No.1 and 2 in collusion with each other completed the construction of school compound wall without acquisition of suit property. The defendants did such act having knowledge of pendency of application under Order 39 Rule 1 and 2, pendency of the suit. The plaintiff has no support in the locality on account of political ill will. The defendant No.3 exceeded his official capacity as per the political influence. Thus, the plaintiff wants to add the relief of mandatory injunction along with the earlier prayer for perpetual injunction. By saying so, the plaintiff prayed to allow the application.

3. The defendants have not filed objections to the application even sufficient opportunity.

4. Heard the learned counsel for plaintiff. The learned counsel for defendant No.1 has not come forward to address in the arguments on the I.A.No.IV. Perused the records.

5. The plaintiff filed the suit for perpetual injunction alleging that, the defendants are in collusion with each other going to construct compound wall in the suit schedule property without any acquisition proceedings or without due process of law. On that cause of action the plaintiff filed the suit on hand. The defendant No.1 appeared and filed the written statement. In the entire written statement, except denial of the

plaint averments nothing has been stated as to the factual aspects of the matter is concerned. The plaintiff is grievances to move the application is the subsequent event that has taken place after initiation of proceedings. The same can be regarded even after commencement of trial. Thus, the plaintiff has made out grounds to allow the application on hand. Accordingly, the following order:

ORDER

**I.A.No.IV filed U/O 6 Rule 17 R/w Sec.151 of CPC
is hereby allowed.**

**In furtherance, the plaintiff is permitted to amend
the plaint in accordance with the schedule given under
the application.**

For amendment and amended plaint.

Call on 15.06.2024.

Sd/-

**Prl. Civil Judge & J.M.F.C.,
Channagiri.**