

ORDER ON I.A.NO.3

The GPA holder of the plaintiff has filed an application U/O 6 Rule 17 R/w Sec.151 of CPC prays that permit her to amend the plaint to insert the properties as mentioned in the application in the ends of justice and equity.

2. In support of this application the GPA holder of the plaintiff has swearing her affidavit submitted that the mother of plaintiff filed a suit against the defendants for the relief of partition and separate possession over the suit schedule properties. Further submitted that the proposed properties are mentioned in the application are shown in the suit and proposed properties mentioned in the application are also joint family properties and stands in the name of joint family members, as such the said properties are also required to the present suit and the said application is allowed, no hardship will cause to the other side. Hence prays that allow the application. An opportunity being provided to defendants to filed their objection, but they have not filed any objection, hence the objection is taken as not filed.

3. In view of these submission made by the plaintiff in the application it appears that the present suit is for partition and separate possession over the suit schedule properties and now plaintiff filed the present application along with the documents

and also stated that the proposed amendment i.e. insertion of the properties in the plaint schedule is necessary to determine the real question in controversy between the parties and further plaintiff has submitted that the said properties are joint family properties and the said properties are also required for partition and separate possession in between the plaintiff and defendants. It is pertaining to note that the defendants are not challenge this application, as such the said properties are inserted in the plaint no hardship will cause to the other side and moreover the defendants have opportunity to file their addition written statement in order to deny the averments made by the plaintiff. Hence if the proposed amendment is allowed no hardship will cause to the other side. Hence for the above reasons I proceed to pass the following:

ORDER

IA.No.3 filed by the GPA holder of the plaintiff U/O 6 Rule 17 R/w sec. 151 of CPC is hereby allowed for awarding cost of Rs.100/-.

Principal Civil Judge & JMFC.,
Honnali.

