

ORDER ON IA No.51

This I.A. is filed by plaintiff U/o.6 Rule 17 of C.P.C. to amend the plaint. By way of amendment plaintiff is intending to reduce the extent of the suit properties as he has entered compromise with the several defendants and now in view of the same she wanted to reduce the measurements of the suit property. Some defendants filed objections to this application. It is opposed in the objection that plaintiff has already received cheque about 8 times of her share and at this stage application for amendment of plaint shall not be allowed.

Heard both side. Perused the peladings and materials on record.

The suit is for partition and separate possession. During pendency of this suit plaintiff has entered compromise with several defendants and already compromise decree is drawn to the extent of plots purchased by several defendants. In view of the said compromise now plaintiff is intending to reduce the extent of suit property. If plaintiff is permitted to amend the plaint defendants will not be put to any hardship. In order to identify the suit property the amendment of the

plaintiff is just and necessary. Though evidence has commenced, but still it has not concluded. Hence, in order to decide the case finally on merits the amendment is required to be allowed. The contention of the defendants that plaintiff has already received 8 times of her share cannot be accepted at this stage. These defendants are also stated to be purchasers of the plots under akrama sakrama scheme. So, considering the nature of the suit, I hold that application is to be allowed. Hence, proceed to pass the following

ORDER

Application/ I.A. No.51 filed by the plaintiff U/o.6 Rule 17 of C.P.C. is allowed.

Plaintiff is permitted to amend the plaint and file amended plaint by 13.09.2023.

Prl. SCJ, Hubballi.