

∴ ORDERS ON IA No.7 ∴

This is the application filed by the plaintiff praying for permit her to amend the prayer column as noted in the application.

2. In the affidavit annexed to the application the plaintiff has stated that she has filed suit for bare injunction but the defendants have made interference to her possession and also obstructed to measure the suit property. Thus it is necessary to amend the plaint by including prayer of declaration in the prayer column. Thus prayed to allow the application.

3. On receipt of application learned counsel for the defendants have submitted no objection to allow the application.

4. Heard both side. Perused material on record. On perusal following points arise for my consideration:-

POINTS

1. 1. Whether the plaintiff has made out sufficient grounds to permit her to carry out the amendment as prayed in the application?

2. What order?

5. My answer to the above points are:-

Point No.1: In the Affirmative

Point No.2: As per final order for the following:-

::REASONS::

6. Point No.1:-

The application is filed for amendment in the prayer column of plaint by adding relief of declaration. On perusal of plaint it appears that the suit filed for permanent injunction on the basis of sale deed dated 11.6.2004. On the other hand the defendant disputed the rights and possession of the plaintiff in the suit property Proposed amendment neither change the nature of suit nor rise new cause of action. As such to determine the real controversy between the parties the proposed amendment is necessary. Accordingly, I answer to the point no.1 in the ***Affirmative***.

7. Point No.2:- In view of above said reasons while answering point No.1, following:

ORDER

The I.A.No.7 under order 6 rule 17 of CPC which is filed by the plaintiff is hereby allowed.

The plaintiff is permitted to carry out the amendment as prayed in the application.

For amendment and
amended plaint.

Call on:

(Smt.Deepa)
Addl. Civil Judge & J.M.F.C,
Arasikere.

