

KAHS810009232021



IN THE COURT OF C/C I ADDL CIVIL JUDGE AND JMFC.,

SAKALESH PURA

:-Present:-

SRI LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

C/c I Addl. Civil Judge & JMFC., Sakaleshpura.

Dated : 8th day of April, 2026

O.S. NO. 102/2021

Plaintiff : Sri. D.S. Sharath Kumar
and others

V/s

Defendant : Sri. D.V. Vijay Kumar

IA NO.IV

Plaintiff : Sri. D.S. Sharath Kumar
and others

V/s

Defendant : Sri. D.V. Vijay Kumar

ORDERS ON IA NO.IV FILED BY THE PLAINTIFFS

U/O. VI RULE 17 OF CPC.,

This application is filed when the matter is posted for arguments. The plaintiffs have filed the present application U/o.VI Rule 17 of CPC praying this court to permit the plaintiffs to amend the boundaries of suit schedule property as mentioned in the application.

2. In the affidavit the plaintiff No.2 has stated that they have filed the present suit for the relief of Specific Performance of contract. Due to oversight and typographical error, the boundaries of the suit schedule property has been wrongly typed in contrary to the agreement. Hence, it is necessary to mention the correct boundaries of the suit schedule property. If the application is not allowed he would put to irreparable loss and injury. Hence prayed to allow the application.

3. The defendant has filed objections to the application and contended that now the matter is posted for arguments. Hence, the plaintiffs cannot amend the plaint at this stage. In spite of knowledge, the plaintiffs have not amended the

boundaries. The proposed amendment changes identification of suit schedule property. Hence, prayed to dismiss the application.

4. Heard arguments and perused the records.

5. The following points would arise for the determination:

1. Whether the present application as sought by the plaintiffs is just and necessary for the proper adjudication of the matter involved in the suit?

2. What order?

6. The findings on the above said points are under:

Point No.1 : In the *Affirmative*

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

REASONS

7. **Point No.1** :- The plaintiffs have filed the present suit for the relief of Specific Performance of Contract. Now, he is proposed to amend the plaint with respect to boundaries of the suit schedule property. The plaintiff has produced the

agreement at Ex.P-1. Further, mere allowing the application does not mean that this court has accepted the plea of the plaintiffs. However, it is subject to proof and the defendant at liberty to disprove the said averments. This court is of the opinion that if the application is not allowed. It would lead to multiplicity of proceedings and no parties would be position to enjoy the fruits of decree. Hence, this court is opinion that the proposed amendment neither changes the nature of the suit nor cause of action. On the other hand, if the application is not allowed, the plaintiff may suffer. With these observations, application deserves to be allowed. Accordingly point No.1 is answered in the Affirmative.

8. Point No.2 :- For the above discussed reasons, this Court proceeds to pass the following;

ORDER

The application No.IV filed by the plaintiff U/o. VI Rule 17 of CPC is hereby allowed on costs of Rs. 1000/-.

The plaintiff is permitted to amend the plaint as
prayed and to file amended plaint.

[Dictated to the Stenographer directly on computer and then corrected by me and
thereafter pronounced in the open court on this the 8th day of April 2026]

(Lakshmi Narasimha R.V.)
C/c I Addl. Civil Judge and JMFC.,
Sakaleshpura.