

ORDER ON IA NO-5 FILED UNDER ORDER 6 RULE 17 OF
CPC.

1.	Provision under which the application is filed	Order 6 Rule 17 of CPC
2.	Relief sought for	For amendment of plaint
3.	The date on which the application is filed	19-11-2025
4.	Number of the application	I.A.No-5
5.	The date on which the objections are filed by different opponents	12-01-2026
6.	The date on which the orders were passed on the said application	26-02-2026.

The plaintiffs have filed the present application for amendment of the plaint.

2. The plaintiffs have contended that, the defendant No-4 and 5 in their written statement have contended that, the suit properties are not the ancestral properties. The plaintiffs are now intended to insert the pleadings to show how the suit properties are the ancestral properties. On the said material grounds the plaintiffs have prayed for allowing present application.

3. The defendant No-5 has filed objections to the present application by denying the grounds of the application. The defendant No-5 has contended that, the proposed amendment will change the nature and character of the suit. There is no any sequence or links with regard to the suit property and the facts of the proposed amendment. They are different from one another. The plaintiffs have filed the present application only in order to delay the matter. On the said material grounds the defendant No-5 has prayed for rejection of the present application.

4. The other defendants have not filed any objections to the present application.

5. Heard the arguments.

6. The advocate for the plaintiffs has relied upon the decision reported in ILR 2004 Karnataka 2571 in the case of H.Azizkhan and others V/s Smt.Muniyamma and others and argued that, the amendment sought by way of additional pleadings is required to be allowed liberally as per the decision.

7. Perused the records the plaintiffs have filed the present suit for the relief of partition and separate possession against the defendants. The defendant No-4 and 5 have denied the case of the plaintiffs. The defendant No-4 and 5 are the purchasers of the suit properties. The plaintiffs by way of amendment appears to be intended to insert some pleading regarding the name of the ancestors and devolution of properties. The plaintiffs have filed the present application at

the stage of the plaintiffs evidence. Hence on considering the nature of the suit and grounds of the application and stage of the case and nature of the proposed amendment and in order to give an opportunity to the plaintiffs to put forth their case on merits the present application is required to be allowed. Hence I am of the opinion that, the plaintiffs have made out grounds for allowing the present application.

Hence, the I.A.No-5 filed by the plaintiffs is hereby allowed.

For amendment and amended plaint and additional WS if any and plaintiff evidence.

Senior Civil Judge and JMFC,
Afzalpur.