

ORDER ON I.A.NO.2

The plaintiffs filed I.A. under Order 6 Rule 17 of CPC seeking to amend the plaint.

In the affidavit plaintiff No.1 stated due to oversight one property has not been added. It is stated that the property is in the name of mother of plaintiff No.1. Therefore plaintiffs sought to allow the application.

The defendant counsels submitted no objections.

Heard both side.

The following point arise for my consideration?

Whether the plaintiffs made out grounds to amend the plaint?

My answer to above point is in the affirmative in following:

REASONS

Point No.1: The plaintiffs filed suit for partition. The plaintiffs filed applicaiton seeking amendment of plaint. The plaintiffs intended to add one more property to the schedule. The plaintiffs intended to add Plot bearing No.4-15 situated at Gattharga as Sl No.(e). Plaintiffs already added properties. The trial has not been commenced. The suit is for partition. The amendment does not nature of the suit. The amendment assists court to dispose matter effectively.

The amendment which assists the court is to be permitted. The plaintiffs filed affidavit. The plaintiffs made out grounds. The application of plaintiffs is liable to be allowed. Hence, I pass the following:

ORDER

I.A.No.2 filed under Order 6 Rule 17 of CPC is hereby allowed.

In the result plaintiffs are permitted to amend the plaint as per proposed amendment mentioned in the application and file amended plaint. Call on amended plaint by 22-09-2023.

**C/C, Senior Civil Judge and JMFC,
Afzalpur.**