

ORDER ON I.A.NO-4 FILED UNDER

ORDER 6 RULE 17 OF CPC.

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

2. The plaintiffs have contended that, the suit is posted for cross examination of PW-1 and DW-1. The plaintiffs intended to amend the plaint by inserting the proposed amendment in the present suit. No any harm will be going to cause to the defendants by allowing the present application. The plaintiffs in the plaint intended to insert the pleading regarding existence of open well in the land of the plaintiffs in survey No-221 towards Western side and use of the said well by the plaintiffs and pleading regarding that the defendants have no any right to use the water of the said well. On the said material grounds the plaintiffs have prayed for allowing the present application.

3. The defendant No-2 has filed objections to the present application by denying the grounds of the application. The defendant No-2 has contended that, at the stage of cross examination of the parties the present application is not maintainable. The plaintiffs have not shown any reasons for not showing the proposed amendment earlier in their application. On the said material grounds the defendants have prayed for rejection of the present application.

4. Heard the arguments.

5. Perused the records, the plaintiffs have filed the present suit for the relief of declaration of their ownership and injunction with respect to 4 acre 20 gunta of land in survey No-222. The plaintiffs now by way of amendment are intended to insert the pleadings regarding existence of well in survey No-221 land and the pleadings regarding the defendants have no any right in the said well. Considering the nature of the suit and considering the nature of the amendment sought and considering the stage of the case 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 on cost and conditions.

Hence IA No-4 filed by the plaintiffs is hereby allowed on cost of Rs.1000/- and subject to co-operation of the plaintiffs with the present suit on day to day basis.

For amendment and amended plaint and cross of PW-1 and DW-1.

By :

Senior Civil Judge and JMFC,
Afzalpur.