

KAKL200090032024



**IN THE COURT OF THE PRL. CIVIL JUDGE AND JMFC AT
BANGARPET**

**PRESENT : SRI. CHANDRASHEKHAR ALABUR., B.A LLB,
II-Addl. Civil Judge & JMFC, Bangarpet.**

C/c Prl. Civil Judge & JMFC, Bangarpet.

Dated the 24th day of February -2025

O.S.No.510/2024

Plaintiff/s :-

Sri. S.N.Nishanth,
S/o S.N.Narayanaswamy.K.M,
Aged about 28 years,
R/at No.2576, Sanmargah,
Vivekananda Nagar,
Bangarpet Town.

(Repted by Sri.M.P.R-Advocate)

V/s.

Defendant/s:

1. Sri.K.M.Muniraju,
S/o Dobi Munishamappa,
Aged about years.

2.Smt.Jalarakshi,
W/o Muniraju,
Aged about years.

3.Sri. Rajesh.K.M,
S/o Muniraju,
Aged about years.

4.Sri. Nandesh.K.M,
S/o Muniraju,
Aged about years,
No.1 to 4 are R/at Pakarahalli
Village,Hudukula Post,
Bangarpet taluk.

**(D.1 Repted by Sri.H.V.S-
Advocate)
(D.2 to 4 Exparte)**

IA No.3

Applicant/s: K.M.Muniraju (defendant No.1)

V/s.

Opponent/s: S.N.Nishanth

ORDERS ON I.A No.3

The Counsel for defendant filed the instant application U/o 6 rule 17 r/w Sec. 151 of CPC seeking to amendment of the written statement in the interest of justice and equity proposed amendment sought for to insert the relief of injunction sought in the written statement and to add as

“influence” of title of the defendant over the written statement schedule property”

(This I.A. is filed when the case is posted first hearing)

2. In the affidavit accompanying the application, the defendant No.1 has stated that the plaintiff trying to dispossess him from the suit schedule property by using his political and economic power, He has filed an application under order 39 rule 1(a) of code of civil procedure of restraining the plaintiff from disposing him in the suit schedule property, in that respect by inadvertently and by oversight it has not been stated in the written statement, Hence he has filed an application for proposed amendment, the amendment sought for is very much necessary for just decision of the case.

3. On the other hand, the counsel for plaintiff has filed objections to the instant application denying the contents of the affidavit accompanying the application and contended that the defendant himself admitted the plaintiff possession over the suit schedule property. The defendants without denying now seeking to amend the written statement hence prays to reject the application.

4. Heard the arguments of plaintiff and the defendants counsel perused the application and affidavit.
5. The following points arise for my consideration.

POINTS

Point No.1: Whether the Amendment is necessary for the proper addition of matter?

Point No.2: What Order?

6. My findings on the above points are as follows:

Point No.1 : In the affirmative

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

REASONS

7. Point No.1: This is the suit filed by the plaintiff against the defendant for the relief of permanent injunction. The instant application came to be filed when the case was posted for hearing on IA No.1 and 2 i.e, before commencement of trial. The defendant seeks to amend his written statement which is in consonance with his earlier pleadings. The very amendment will not take away any admissions. The very amendment will not give rise to any new cause of action

nor it will lead to a new litigation. The courts have been given unfettered discretion in dealing with these applications filed for amendment of pleadings. The instant application is filed before commencement of trial wherein a liberal view shall be taken by this court. As such I answer **point No.1 in the affirmative.**

8. Point No.2: In the light of answering to the point No.1, I proceed to pass the following:

ORDER

***IA No.3 filed by the Defendant No.1
Under Order 6 Rule 17 r/w sec.151 of CPC is
hereby allowed by the cost of Rs.100/-.***

***For Amendment and Amended plaint by
10.03.2025.***

(Dictated to the stenographer on computer. The print out is revised, corrected and then pronounced by me in the open court on this the **24th day of February - 2025**).

Sd/-

**C/c Prl. Civil Judge and J.M.F.C
Bangarpet,**