

ORDER ON I.A.No.IV

The defendant has filed the IA.No.IV U/o 6 Rule 17 of CPC seeking amendment of the written statement as detailed in the application.

2. The defendant in the affidavit along with the applications stated that the plaintiff has filed the suit as grab

his property. Further stated that he has claimed counter claim in respect of counter claim property. Further stated that in the counter claim he has left out the particulars which he has sought in the amended application filed along with the affidavit. Further stated if the application is allowed no hardship or injury caused to the plaintiff and it does not change the nature of the suit and cause of action. Hence, prayed to allow the application.

3. The plaintiff filed objection contending that the application is not maintainable either in law or on facts. Further stated that if the application is allowed it would change the nature of suit and cause of action. Hence, prayed for the dismissal of the application.

4. Heard arguments.

5. The following points arised for my consideration:

Point no.1: Whether the defendant made out grounds to allow IA no.IV?

Point no.2 : What order?

6. My answer to the above points:

Point no.1: In the Affirmative

Point no.2: As per order for the following:

REASONS

7. **Point No.1:** The present suit is filed by the plaintiff against the defendant seeking for permanent injunction. The defendant has filed written statement and also sought for counter claim. On perusal of the counter claim it appears that the defendant are left out to seek prayed as sought in the

amendment application with respect to counter claim property. I am of the opinion that the amendment sought by the defendant does not change the nature of counter claim. Hence, I answer the point no.1 in the Affirmative

9. Point No.2: In view of the above discussion I proceed to pass the following:

ORDER

I.A.No.IV filed u/o 6 Rule 17 of CPC, by the defendant is hereby allowed.

The defendant is hereby directed to carry out the amendment in written statement as detailed in the application.

To furnish amended written statement by.

**Addl. Civil Judge & JMFC.,
K.R.Pete.**