

### **Order on I.A.No.XVII**

The present application I.A.No.XVII is filed by the plaintiff U/O 6 Rule 17 of CPC for amendment of pleadings to the plaint as stated in the application.

2. The said application is supported by the affidavit of the plaintiff No.3 and it is sworn that when the suit was filed by the plaintiffs, some revenue documents were not available in respect of item No.2 of schedule property and now the plaintiffs have obtained revenue records relating to said property and some facts relating to acquisition of said property has not been stated in the plaint. The plaintiffs intends to state that how the property was acquired. It is also sworn that if the said application is allowed, no hardship would be caused to the other side. Hence prayed to allow the application.

3. The counsel for defendant No.1(a) to 1(d) has filed objection to the present application and it is stated that the plaintiffs have already produced documents and got marked the same. The plaintiffs in order to drag the proceedings has filed the present application. Hence prayed to dismissed the same.

4. Heard the arguments of counsel for both parties.

5. The plaintiffs have filed present application for amendment of pleadings in respect of item No.2 of schedule property. On perusal of the proposed amendment, the plaintiffs intends to state about purchase of item No.2 of schedule property in the name of son of Venkatappa @ Kariyappa by name Basappa on behalf of joint family. The plaintiffs have filed

present suit for partition and separate possession. On perusal of the pleadings of the plaintiff when the suit was filed, they have stated that the suit schedule properties are the ancestral joint family properties. Now the plaintiffs intends to state the mode of acquisition of item No.2 of schedule property. The proposed amendment will not change nature of suit or it create any new cause of action. If the application is allowed, no hardship would be cause to the defendants and burden lies upon the plaintiffs to establish the proposed amendment by way of evidence. Therefore by considering the reasons stated in the application, the same deserves to be allowed. Hence this court proceeds to pass the following:

**ORDER**

**The application I.A.No.XVII filed by the plaintiffs U/O 6 Rule 17 of CPC is hereby allowed with cost of Rs.200/-.**

**The plaintiffs are hereby permitted to carryout the amendment as stated in the application.**

**For amendment and amended plaint.**

**Call on: 20.12.2024.**

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 16<sup>th</sup> day of December 2024)

**(Sandesh Prabhu. B)  
Senior Civil Judge & J.M.F.C  
H.D.Kote**