

ORDER

The 1st plaintiff has filed application under Order VI Rule 17 of CPC. seeking amendment of the plaint as indicated therein.

2. The proposed amendment is sought to insert 8th schedule property into the suit is as under:-

ಮೈಸೂರು ಜಿಲ್ಲೆ ಹೆಚ್ ಡಿ ಕೋಟೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಹೆಗ್ಗಡದೇವನಕೋಟೆ ಗ್ರಾಮದ ಸರ್ವೆ ಸಂ: 38/8 ರಲ್ಲಿ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 0.02.04 ಗುಂಟೆ ನಿವೇಶನಕ್ಕೆ ಚಕ್ಕುಬಂಧಿ:

ಪೂರ್ವಕ್ಕೆ	ಬೇರೆ ನಿವೇಶನ
ಪಶ್ಚಿಮಕ್ಕೆ	ಮಹದೇವಗೌಡರ
ನಿವೇಶನ	
ಉತ್ತರಕ್ಕೆ	ಸಿದ್ದರಾಜುರವರ
ನಿವೇಶನ	
ದಕ್ಷಿಣಕ್ಕೆ	ಬೆಳಗನಹಳ್ಳಿ ರಸ್ತೆ

3. In the affidavit, the 1st plaintiff submitted that the plaintiffs have filed this suit against the defendants for the relief of partition and separate possession of the suit schedule properties. At the time of filing of this suit, they have not inserted 8th schedule property into the suit. Now they have intended to insert the same in the suit. Under such circumstances, if this application is not allowed, the plaintiffs will be put into great hardship and inconvenience. Hence they prayed to allow the above said application.

4. On the above said application the defendants have filed objections contending that the application is not maintainable either in law or on facts. At the time of filing of this suit the plaintiffs shows seven suit schedule properties by creating false boundaries. Now in order to harass the defendants, they came up with above schedule property No.8 into the suit. The suit schedule properties are ancestral properties of 3rd defendant. The plaintiffs have no right, title or interest over the same, they intended to brought one more property into the suit with false boundaries. Further the plaintiffs have filed several suits against the 3rd defendant in order to harass him. Hence defendants prayed to reject the application with cost.

5. On being perused entire documents, the plaintiffs have filed the above said suit against the defendants for the relief of partition and separate possession. Now, the plaintiffs have come up with this application, with the reasons assigned as above, is satisfied. In order to avoid multiplicity of proceedings and precious time of the Court and also it is not caused change of the cause of action and nature of the suit. Hence, I proceed to pass the following

ORDER

The application filed under Order IV Rule 17 of CPC filed by the plaintiffs is hereby allowed.

To carryout the amendment and to furnish amended plaint by:
5.1.2018.

(KESHAVA.K)
Addl.Civil Judge & JMFC.,
Heggadadevanakote.

CORRECT AND Print over