

**ORDER ON I.A. No.III FILED BY THE APPLICANT
UNDER ORDER VI RULE 17 OF CPC**

The Applicant/plaintiff has filed Application/I.A. No.III under Order VI Rule 17 r/w 151 of CPC seeking for amendment of the plaint in para No.3 as follows -

"ಕ್ರಯದ ಕರಾರು ಪತ್ರದ ದಿನದಂದು ಅಂದರೆ ದಿನಾಂಕ 10.02.2022 ರಂದು ಪ್ರತಿವಾದಿಗಳು ವಾದಿಯಿಂದ ಕ್ರಯದ ಪ್ರತಿಫಲವಾದ ರೂ.3.00,000/- (ರೂಪಾಯಿ ಮೂರು ಲಕ್ಷ ಮಾತ್ರ) ಗಳ ಪೈಕಿ ರೂ.2,50,000/- (ರೂಪಾಯಿ ಎರಡು ಲಕ್ಷದ ಐವತ್ತು ಸಾವಿರ ಮಾತ್ರ) ಗಳನ್ನು ಮುಂಗಡ ಹಣವನ್ನಾಗಿ ಪಡೆದಿರುತ್ತಾರೆ. ಕ್ರಯದ ಬಾಕಿ ಪ್ರತಿಫಲವಾದ ರೂ.50,000/- (ರೂಪಾಯಿ ಐವತ್ತು ಸಾವಿರ ಮಾತ್ರ) ಗಳನ್ನು ಕ್ರಯಪತ್ರ ನೋಂದಾಯಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ವಾದಿಯಿಂದ ಪಡೆಯಲು ಒಪ್ಪಿರುತ್ತಾರೆ."

2. In the accompanying affidavit it is stated that, the plaintiff has filed the suit against the defendants for the relief of Specific performance of contract. At the time of filing the suit, due to oversight the payment of Rs.2,50,000/- as advance consideration is not mentioned in the plaint, which is a typographical error. The amendment of the plaint is very much necessary to prove the case. Hence the present application is filed. If the present application is not allowed, the applicant will be put to great hardship. Hence, prays to allow the application.

3. On the other hand, the counsel for defendants Sri.TRM, orally submits that they have no objection to IA No.III.

4. Heard both sides on IA No.III.

5. On perusal of the record the present suit is filed for the relief of Specific Performance of Contract. After issuance of suit summons, defendants appeared before the Court through their counsel and filed written statement. On considering pleading of both parties, this Court has framed Issues and the case was posted for plaintiff evidence. In order to prove his case the plaintiff got examined himself as PW.1 and got marked documents at Ex.P1 to 17. After closing evidence on plaintiff side, the case was posted for defendant evidence, at this stage the plaintiff has filed IA No.III seeking amendment in the plaint at para No.3. Since the trial of the suit is not yet completed, therefore, if the proposed amendment is allowed, no hardship would be caused to the other side, and it neither change the nature of suit nor brings a new cause of action. Further, it would be helpful to decide real question in controversy between the parties, hence, IA deserves to be allowed to avoid the multiplicity of proceedings. In view of that, I proceed to pass the following:

ORDER

The IA No.III filed by the applicant/plaintiff under Order VI Rule 17 r/w 151 of CPC is hereby allowed.

The applicant/plaintiff is permitted to carryout the proposed amendment in the plaint as per law.

For amendment and amended plaint by 05.02.2024

Civil Judge & JMFC,
Heggadadevanakote.