

KAMS300007862023



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE
AND J.M.F.C AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Addl. Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 31st day of August, 2024.

OS No.127/2023

- Plaintiffs:
1. Mohammed Saalar, S/o Late Mohammed Isaaq, Aged about 72 years, R/at Neeha Hotel, Muslim Block, Hunsur Town.
 2. Rahila Banu, D/o Late Mohammed Ameer, Aged about 28 years, R/at Bettadadpura Village & Hobli, Periyapatna Taluk.
 3. Thanjila Banu, D/o Late Mohammed Ameer, Aged about 25 years, R/at Laal band Street, Hunsur Town.
 4. Afzal, S/o Late Khaleel Ahammed, Aged about 40 years,
 5. Salma Banu, D/o Late Khaleel Ahamed, Aged about 38 years,
 6. Asma Banu, D/o Late Khaleel Ahammed, Aged about 36 years,
 7. Akmal, S/o Late Khaleel Ahammed, Aged about 34 years,
- 4 to 7th plaintiff are R/at Leela theatre, V.P.Bore, Hunsur City.

8. Thanzim Ahammed, S/o Late Iqbal Ahammed, Aged about 26 years,
9. Nazim Ahammed, S/o Late Iqbal Ahammed, Aged about 24 years,
10. Sakila Fathima, D/o Late Iqbal Ahammed, Aged about 23 years,

8th to 10th plaintiffs are R/at # 1580, Muslim Block, Hunsur Town.

-Vs-

- Defendants:
1. Nasim Unnisa, D/o Late Mohammed Isaaq, Aged about 65 years,
 2. Ajim Unnisa, D/o Late Mohammed Isaaq, Aged about 52 years,
 3. Saleem Unnisa, D/o Late Mohammed Isaaq, Aged about 51 years,
 4. Sameer Ahmmed, S/o Late Ameer Jaan, Aged about 28 years,

All are R/at #1580, Muslim Block, Hunsur Town.

1.	Provision under which the application is filed	:	Under Order 6 Rule 17 of CPC
2.	Relief sought for	:	To amend the plaint
3.	The date on which the application is filed	:	02.11.2023
4.	Number of the application	:	IA No.III
5.	The date on which the objection is filed by opponents	:	Nil
6.	The date on which the orders passed on the said application	:	31.08.2024

ORDERS PASSED ON IA NO.III

The learned counsel for the plaintiffs filed IA No.III under Order 6 Rule 17 of CPC seeking to amend the plaint by adding para No.9(a) to (c) as well as include one property in the suit schedule.

2. The application is supported with the affidavit of the 1st plaintiff wherein he has stated that, the proposed defendants are joining hands with Bibi Aisha without the knowledge of the their mother and obtained registered sale deed in respect of property which is sought to be included. The proposed amendment is very much necessary to avoid partial partition. The proposed 'B' schedule property is the tenanted property of his family. The proposed amendment will not change the nature of the suit nor it will introduced a new case. If the application is allowed no hardship is going to caused to the other-side, on the other-hand if the same is not allowed the plaintiffs will be put to great hardship. Hence, prayed to allow all the application.

3. After filing of this application this court provided opportunity for the defendants to file objection but they have not filed the objection.

4. Heard, learned counsel for the plaintiffs and perused the case papers. This is the suit filed the plaintiffs against the defendants seeking the relief of partition and separate possession of their 2/8th share in the suit schedule properties. The proposed amendment is about inserting some

paras about the property sold to the proposed defendants against whom already IA No.II has been filed. It is to be noted that, the defendants have not disputed this application. Further, the evidence has not yet commenced. Further, the proposed amendment will not change the nature of the suit and cause of action. If the proposed amendment is not allowed it will lead to multiplicity of proceedings. Hence, this court proceeds to pass the following:

ORDER

IA No.III filed by the plaintiffs under Order 6 Rule 17 of CPC is hereby allowed.

Accordingly, the plaintiffs are permitted to amend the plaint as sought for.

(Dictated to the Stenographer directly on the computer, corrected and pronounced by me in the open court on this the 31st day of August, 2024)

(Anitha)

Addl. Senior Civil Judge and JMFC.,
Hunsur.