

OS 03/2022

Dated: 14.03.2023

Orders on IA No.VI

At the stage of Plaintiff evidence, Learned counsel for the Plaintiff filed I.A. No.VI Under Order 6 Rule 17 R/W Sec.151 of C.P.C., seeking permission to amend the plaint as stated in the application.

L/C for Defendant No.7 and 8 submits no objection to IA No.VI.

L/C for Defendant No.10 called out absent. Hence, objection to IA No.VI taken as not filed.

Heard and perused.

This is a suit for Partition and Separate Possession. Now by filing this application plaintiff intended to amend the Plaint and to insert the following paragraphs in the plaint:

That after the para No.10 and before the para No.11 and inserts that,

“10a. The Plaintiff further submit that the Defendant No.7 and 8 was sold the land bearing Sy.No.350/1 measuring of 12 Guntas out of 19.08 Guntas in favour of

one K.S.Prabhakara S/o K.G.Shivanna who is resident of Kaggare Village on 23.01.2006 and which was registered at Sub-Registrar K.R.Nagara in Book-I document No.KRN-1-01427-2005-06 C.D No.KRND11. The Defendant No.7 and 8 who are the brothers of the Plaintiff, even though the Plaintiff has right and her legal share over the aforesaid land to sold without consent of the Plaintiff and the said transaction was done behind back of the Plaintiff and the alleged Sale Deed is not binding over the Plaintiff share and the plaintiff has right as per the law.

II. In the prayer of the plaint may be permitted to amend the plaint and to be inserting that here under mentioned figures and words as follows:

That after the prayer No.II and before the prayer No.III and inserts that,

“Iia. The Sale Deed executed by the Defendant No.7 and 8 in respect of the Item No.3 of suit schedule 'B' property on 23.01.2006 and which was registered at Sub-Registrar, K.R.Nagar in Book-I document No.KRN-1-01427-2005-06 C.D No.KRND11 is not binding over the Plaintiff share”

III. In the schedule of the Complaint may be permitted to amend the complaint and to be inserting that here under mentioned figures and words as follows:

That after the Item No.2 of the suit schedule 'B' property boundaries inserts that,

“Item No.3

All that piece and parcel of the immovable agricultural land bearing Sy.No.350/1 measuring 12 Guntas out of 19.08 Guntas, situated at Lalanahalli Village, Kasaba Hobli, K.R.Nagara Taluk with following boundaries.

On the east by : Remaining land of Namma bapthu

On the west by : Land of Indramma

On the North by : Land of Veerappa

On the South by : Land of Doddaiah @ Swamy”.

On perusal of complaint and application Plaintiff intended to add some more paragraphs pertaining to the suit schedule properties and some more facts including adding one more property as Item No.III. The proposed amendments will not affect the rights of the defendants

and it will not change the nature of suit. The evidence of the parties is not yet begun. The proposed amendments appear to be necessary for just and complete adjudication of the dispute. If this application is allowed no injustice or inconvenient would be caused to the defendants. Hence, it is necessary to allow the application. Accordingly, I.A. No.VI filed Under Order 6 Rule 17 R/W Sec.151 of C.P.C., is allowed.

For carrying out amendment and to furnish amended plaint by 05.04.2023.

Sr CJ and JMFC.,
K.R.Nagar.