

KAMS400036742016



IN THE COURT OF
SENIOR CIVIL JUDGE AND JMFC AT
KRISHNARAJANAGARA, MYSURU
Presided Over by Sujatha Madiwalappa
Sambrani

O.S./40/2016

PLAINTIFF: Sri.Kumar Swamy

// Vs. //

RESPONDENTS: Smt. Jayamma and others

: I.A.NO.7 :

APPLICANT: Sri.Kumar Swamy
.....*Plaintiff*

Vs.

Opponent: Smt. Jayamma and others
..... *Defendants*

ORDERS ON I.A.7

The learned counsel for the plaintiff has filed this application under Order 6 Rule 17 R/w. Section

151 of CPC seeking amendment of the plaint by inserting para No.7(a).

2. This application is objected by th defendants No.1 and 2. At the same time the learned counsel for the defendant No.3 and 7 has also filed separate their objections.

3. Heard and perused.

4. The following point that would arise for my consideration is:

1. Whether the application filed by the plaintiffs under Order 6 Rule 17 R/w. Section 151 of CPC seeking amendment of the plaint by inserting para No.7(a). deserves to be allowed?

2. What order?

5. My findings on the above points are as follows:

Point No.1 : In the Affirmative

**Point No.2 : As per final order,
for the following**

REASONS

POINT No.1:-

6. The plaintiff has filed this suit for the Specific Performance of Agreement dated 28.06.2014

directing the defendants to execute registered sale deed in his favour in respect of suit schedule properties.

7. Now the plaintiff has filed this application seeking amendment of the plaint by inserting para No.7(a) in the plaint. With an intention to defeat and defraud the rights of the plaintiff over the suit schedule property they have created fictitious documents in favor of son of defendant No.1 by name Govindgowda. Based on fictitious documents, the defendants have changed the phode No.. of the suit property as Sy.No.111/9 instead of 111/2 . The eastern and western side of the boundary is wrongly mentioned due to over sight and same needs to be correct. Hence, sought for amendment by way of filing this application.

8. After filing the suit, the defendants No.1 and 2 appeared before the court and contested the case by filing the written statement. Thereafter another application for impleading defendants No.3 to 9 as additional defendants based on the another sale agreement dated 18.07.2016 in the name of the proposed defendants. The said application came to

be allowed and the proposed defendants are already impleaded in the suit as defendants No.3 to 9. Now, based on the said impleading of defendants, the plaintiff has sought for this amendment in para No.7 as 7(a) in the plaint.

9. The said amendment appears to be necessary for determining the real controversy between the parties and the said amendment will not take away the rights and defense of the defendants. The said amendment appears to be required for just decision of the matter. Accordingly, the application filed by the plaintiff seeking the amendment deserves to be allowed. Hence, I answer Point No.1 in the **Affirmative**.

POINT No.2:-

10. Accordingly, I proceed to pass the following

ORDER

*IA.7 filed by the plaintiff
under Order 6 Rule 17 R/w. Section
151 of CPC is hereby allowed.*

*The plaintiff is permitted to
amend the plaint and directed to*

*file the amended plaint within 14
days from the date of this order.*

(Dictated to the stenographer , transcribed and typed by her
added some paragraph directly on computer, corrected
signed and then pronounced by me in the open Court, on this
the **8th October 2021**)

(Sujata M. Sambrani)
Senior Civil Judge & JMFC.,
K.R.Nagar.

