

O.S.117/2021

**ORDER ON I.A.V**

The plaintiff filed this application under Order VI Rule 17 r/w Section 151 of C.P.C., to amend the plaint to introduce the proposed amendment as prayed in the application. It is sworn in the affidavit that, the suit is filed for the relief of specific performance of contract under the registered agreement dated 12.10.2017. The proposed amendment is very much required to substitute alternative prayer to refund the earnest amount. But the original plaint does not contain the alternative prayer. Hence, this application.

Per contra, it is objected by the defendants saying that the plaintiff is boosting the plaint, because he knows that the suit is time barred one, as such the application is to be dismissed.

The question of limitation will come for consideration on trial. The Specific Relief Act empowers a plaintiff to file suit for registration of the sale deed on agreement or alternative prayer of refund of amount. If present matter is time barred one, the defendants may challenge it in trial, but the

statutory right of amendment cannot be taken away at this juncture and the amendment will not cause hardship to the defendants. Hence, I.A.V is allowed. The plaintiff is permitted to amend the plaint. To furnish amended plaint, call on 17.03.2026.

Senior C.J. & JMFC.,  
Nanjangud.

19.02.2026