

ORDERS ON APPLICATION
UNDER 6 RULE 17 OF CPC.

The advocate plaintiffs have filed application under order 6 Rule 17 of CPC praying this Court to amend the plaint by adding the subsequent event happened after filing of the suit.

In the affidavit to the accompanying application it is contended that the defendant had approached the Honb'le Prl. District and Sessions Judge, Mysuru under Sec. 92 of CPC in Misc. No. 69/2013 for removal of plaintiff's no.1 to 6 from the management of the Citizen Education trust. This amendment is necessary to bring in the observations made by the Honb'le Judge. In the said petition a finding was given that the defendant in order to indicate his personal interest and vengeance of his removal the said petition was filed.

The advocate for defendant had filed objections and has contended that the proposed amendment is not necessary for adjudication of the case and that this application is barred under law and is filed only to protract the proceedings and hence prays to dismiss the application.

Heard advocate for plaintiff and defendant, the following point arise for consideration:

POINT NO.1 : Whether the plaintiffs have made out ground to allow the amendment.

POINT NO.2: What order ?

This Court answers the above points in the affirmative for the following :

REASONS

POINT NO.1: This is a suit for permanent injunction to restrain the defendant from interfering in the plaintiff's day to day activities in the Citizen Educational Trust. After filing of the suit, the defendant had filed scheme suit before the Honb'le Prl. District and Sessions Judge, Mysuru and the same has been dismissed.

The contention of the plaintiffs is that the amendment sought is to bring in the conduct of the defendant before the Court by the manner in which he had filed the scheme suit and to bring in the observations made by the said Court.

This fact is necessary for adjudication of the case as the defendant was removed from the Citizen Education Trust and that there is money suit also filed against these defendant which is also to be brought to the knowledge of this Court. Only if the pleadings are available evidence could be led and the conduct of the defendant is to be proved in this case to show the reason for his removal.

This amendment would not change the nature of the suit and the defendant will have an opportunity to putforth his case and a chance to cross examine the plaintiff on these facts. Hence, for the above reasons

an opportunity has to be given for the plaintiffs to put forth the case against the defendant and accordingly this Court answers the point no.1 in the affirmative.

POINT No.2: Having answered point no.1 in the affirmative this Court proceeds to pass the following:

ORDER

The application filed under order 6 Rule 17 of CPC is hereby allowed .

The plaintiff to carry out amendment and to file amended plaint.

Call on 05.02.2021

Sd/-
I Addl. Civil Judge and J.M.F.C.,
Nanjangud