

**∴ ORDERS ON I.A.VII∴**

This is the application filed by the applicant/defendant No.VII under Order VI Rule 17 of C.P.C seeking amendment of the written statement as mentioned in the application.

2. In the affidavit of the applicant/defendant No.2 annexed to the application, it is contended that the plaintiff has filed the suit for partition and separate possession of suit schedule property and the written statement is already filed. There was a partition between the plaintiff and defendants on 15.09.2008. The plaintiff and defendant's father has purchased the item No.1 property through Registered sale deed dated:01.01.1975. The said document was found while searching for other documents at home. Then the defendants came to know that in page No.3 para No.5(2) of written statement measurement of item No.1 property is mentioned as 1 Acre 0.20 guntas, but in the RTC it is mentioned as 1 acre 0.12 guntas which was wrongly mentioned. Hence, this amendment is very much necessary. In order to avoid the multiplicity of the proceedings the proposed amendment is necessary. Hence, prayed to allow the application.

3. The counsel for plaintiff orally objected the application.

4. Considering the contentions of the respective parties, the following point arises for my consideration:

***Whether the proposed amendment is necessary for the purpose of determining the real questions in controversy between the parties?***

5. Having heard the arguments of both the counsels on the application, I answer the above point in the '**Affirmative**' for the following :

**-. REASONS :-**

6. The suit of the plaintiff is for partition and separate possession and it is a fact that the defendant has filed his written statements and based on the pleadings issues have been framed on 11.06.2025. It is also a fact that trial has commenced and when the matter was posted for defendant evidence, the present application came to be filed.

7. Order 6 Rule 17 of CPC empowers the court at any stage of the proceedings allow either party to alter or amend the pleadings if such amendment is necessary for the purpose of determining the real question in controversy between the parties.

8. Perused entire records. For the proper adjudication of the case and give justice to both parties, it is necessary to amend the written statement and no hardship would cause to either side. Under the facts and circumstances of the case, I am of the opinion that the applicant has made out sufficient grounds to allow the application. Hence, I answer the above point in the '**Affirmative**' and proceed to pass the following:

**:- ORDER :-**

I.A.VII filed by the applicant/defendant No.2 under Order VI Rule 17 r/w Section 151 of CPC is hereby allowed on cost of Rs.500/-

For amendment and amended written statement.

Call on

***I Addl., Civil Judge & JMFC.,  
Nanjangud.***