

### **ORDER ON IA NO.5**

The plaintiff has filed this application seeking permission to amend the plaint as follows;

- I. In plaint after Para No.3(a) after the word "boundaries are same" Add further as "Further the father of the Defendant No.1 and 2 along with Defendant No.1 and 2 got executed Reg., Sale Deed on 24.03.1995. Further, they have also executed Reg., Sale Deeds in favour of others out of total extent of 6 Acres 27 Guntas. As on today remaining extent 3.25 Guntas stands in the name of 1<sup>st</sup> defendant bearing Sy.No. 82/7. The property purchased by 1<sup>st</sup> plaintiff is within the boundary and said Sy.No.82/7. Further, the property purchased by the 1<sup>st</sup> plaintiff bearing Sy.No.82 and the present bearing Sy.No.82/7 is one and the same".

II. In plaint at schedule after the word "Sale Deed dated 24.03.1995 (82/1)" Add further as "Present bearing Sy.No.82/7".

2. In the affidavit filed in support application the 2<sup>nd</sup> plaintiff has stated that, his father was purchased the suit schedule property bearing Sy.No.82. Later it was phoded as Sy.No.82/7. The land bearing Sy.No.82 and 82/7 measuring 0.3<sup>3</sup>/<sub>4</sub> Guntas is one and the same. In order to avoid ambiguity if any he has filed this application for clarification. If this application is allowed no prejudice will be caused to the other side and if it is not allowed he will be put to hardship.

3. The defendants have not filed any objection despite opportunity.

4. The purpose and object of order 6 rule 17 CPC is to allow either party to alter or amend his pleading in such a manner and on such terms as may be just. The power to allow the amendment is wide and can be exercised at any stage of the proceeding in the interest of justice on the basis of the guidelines laid-down in various precedents. Though the amendment cannot be claimed as a matter of right and under all circumstances but the court while deciding such prayer do not adopt a hyper technical approach. Liberal approach is the general rule particularly in cases where the other side can be compensated. Technicalities of law cannot be

permitted to hamper the courts in administration of justice between the parties. Amendment are allowed in pleading to avoid uncalled for multiplicity of litigation.

5. In the present case, the plaintiff has already made substantial pleadings. The only amendment sought is to add facts regarding clarification of Survey Number after execution of Sale Deed. This amendment shall not take away the vested rights of the defendants and the amendment sought to be incorporated is formal amendment and no prejudice whatsoever would be caused to the defendants if the same is allowed and the proposed amendment would not change the nature of the suit and cause of action. Accordingly this court proceed to pass the following:

**ORDER**

IA.No.5 filed by the plaintiff is hereby allowed and he is permitted to amend the plaint as prayed for.

For amendment and amended plaint.

Call on.

Prl. Civil Judge & JMFC.,  
Nanjanagudu.