

ORDERS ON I.A.NO.7

The plaintiff has filed IA.No.7 under Order 6 Rule 17 of C.P.C seeking to incorporate the proposed amendment in his pleadings.

In the affidavit accompanying the said application sworn in by the plaintiff it is submitted that, she has filed the suit against the defendants wherein during the pendency of above suit the defendant No.1 has executed the Registered Gift Deed dated 12.03.2019 in favour of the defendant No.2 who is her own sister. The said fact has to be incorporated in her pleadings and consequential relief has to be claimed. As such, prayed to allow the application.

Inspite of granting sufficient opportunities the defendant has not chosen to file objection to said application. As such, objection to said application is taken as not filed.

I have perused the records of the case on hand carefully and meticulously. The perusal of the record reveals that, the

plaintiff has filed above suit against the defendants for the relief declaration of title, as well as possession of the suit schedule property and consequential relief of Permanent Injunction against the defendants. It is relevant to note that the defendants have filed written statement and case is set-down for trial. The perusal of the records reveals that the plaint was presented by plaintiff on 28.01.2019 wherein the defendant No.1 after institution of the present case has created the Registered Gift Deed dated 12.03.2019 in favour of defendant No.2. The said fact has not been incorporated in the pleadings. As it is a subsequent fact after the institution of suit, which requires to be incorporated for the purpose of adjudicating the real dispute in controversy between the parties to the suit. Moreover, without providing consequential relief of declaration as sought in the IA.No.7 it is very difficult to dispose of the suit. Further, the said proposed amendment does not change the nature of suit. As such, I am of the considered view and opinion that the application deserves to be allowed. Accordingly, I proceed to pass the following ;

ORDER

The I.A.No.7 filed by the plaintiff under Order 6 Rule 17 of C.P.C is hereby allowed.

**Civil Judge & JMFC.,
T. Narasipura.**

The plaintiff is hereby directed to carry out necessary amendment and to file amended plaint by : 20.09.2022.

**Civil Judge & JMFC.,
T. Narasipura.**