

ORDERS ON I.A.No.XI

The plaintiff filed this application U/o.6 rule 17 R/w.Sec.151 of CPC to amend the plaint as stated in the proposed amendment.

2. In the affidavit contended that the defendant no.1 during the pendency of the suit has executed an agreement of sale in respect of suit property bearing Sy.No.8/1 measuring to the extent of 05 acres 10 guntas out of total extent of 19 acres 10 gunta. Now said Sy.No.8/1 is renumbered as Sy.No.8/1/2 in favour of defendant no.5 through registered agreement of sale dated 01.12.2022 without the consent of the plaintiff. The defendant no.1 and 5 knowing fully well about the pendency of the suit for partition behind the back of the plaintiff illegally executed the agreement of sale to deprive the right of the plaintiffs. The Sy.No.8/1 is the joint family property the plaintiff has got share in the suit property already the plaintiff has made defendant no.5 as necessary party to this suit. Hence the present amendment is necessary in respect of pleading towards the agreement executed by defendant no.1 in favour of defendant no.5

and also it is necessary to seek relief against the said deed which is not binding on the share of the plaintiff. Hence the alleged amendment is necessary for proper adjudication of the case. Hence prays to allow the application.

3. On the other hand the defendant no.1, 3 and 4 have submitted no objection.

4. Heard both sides.

5. After going through the records the plaintiff filed this application to amend the plaint in respect of agreement of sale executed by defendant no.1 in favour of defendant no.5 during pendency of the suit. Already the defendant no.5 was impleaded on the strength of the agreement. Now the alleged amendment is in respect of pleadings towards agreement of sale and also in respect of prayer. Hence considering the material it is necessary to allow the application. Hence this court proceed to pass the following ;

ORDER

The IA No.XI filed by the plaintiff U/o.6 rule 17 R/w.Sec.151 of CPC is hereby allowed.

The plaintiff is permit the
amend the plaint and furnish the
amended the plaint copy.

Call on 08.07.2026.

**Senior Civil Judge and J.M.F.C.,
Devadurga.**