

ORDERS ON I.A.No.XXV

The plaintiff filed this application U/o.6 rule 17 R/w.Sec.151 of CPC to permit the plaintiff to carry out the amendment in plaint page No.13 schedule E adding the defendant no.9(a) to (c) and deceased Ranganath and his wife Kavita whose name is mentioned.

After going through the page no.13 of the plaint shown the genealogical tree as schedule E in the column at Sl.No.1 to 11. Now the plaintiff intended to bring the Lrs of defendant no.9(a) to (c) by amending the genealogical tree which is shown in the column wise. Hence there is no mentioned about defendant no.9 and there is no possibility to amend the genealogical tree as prayed in the application. Hence this court is of the opinion that the application is deserves to be rejected.

The plaintiff relied the following decisions of the Hon'ble Apex Court and Hon'ble High Court of Karnataka.

1. 2022 (1) KCCR SN 79 (SC).
2. 2023 (2) KCCR 1688 (HCK).

After going through the said decisions the Apex Court held that facts coming to knowledge subsequent to commencement to trial power of court to allow the amendment sought based on such facts. In this case the plaintiff intended to amend the genealogical tree by inserting the Lrs of defendant no.9 which is not practically possible to amend the genealogical tree as shown at page No.3 of the plaint. Hence with grate respect the said decision is not applicable to the present case on hand.

The Hon'ble High Court of Karnataka held that those necessary for purpose of determining controversy between parties have to be allowed in order to avoid multiplicity of proceedings. The said circumstances does not arise in this case. Hence the said decision is not applicable to the present case on hand.

After going through the material and above discussion this court proceed to pass the following ;

ORDER

IA No.XXV, filed by the plaintiff
U/o.6 rule 17 R/w.Sec.151 of CPC is
hereby rejected.

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