

Orders on I.A dated 25.03.2019
filed by the plaintiffs
U/o 6 Rule 17 r/w Section 151 of CPC

The plaintiff has moved this application to amend the plaint as mentioned in the above said application.

2. In the affidavit appended to the application the plaintiff deposed that, the amendment sought for is crucial to the Trial of the case. A specific responsibility is cast on the defendants to co operate with sale transaction which they have not diligently performed their part of the contract. The defendants in their written statement have come up

with vague and bald defense that, they were co-operating to the sale transaction. This is specifically denied as false. She has performed diligently her part of the contract by paying substantial advance amount and has been every ready and willing to perform his obligations so as to have the sale deed executed in her favour so as to give its fullest objective to the true intention and meaning of the agreement of sale. She has also incurred considerable expenses in due performance of her duties by arranging for money and accordingly would be subjected to grave loss, hardship and cannot be compensated in terms of money. Hence, prayed to allow the application.

3. The defendant has filed objection to the said application is that, the proposed amendment is already in the pleadings. The plaintiff has no case and she is resorting to delaying tactics by filing application one after another. The plaintiff is not interested in proceeding with the case. The plaintiff has filed evidence affidavit but did not proceed. Further, now she has come up with this false and frivolous application. Hence, prayed to dismiss the application with costs.

4. Now, the following point emerge for consideration:-

Whether the application deserves to be allowed ?

5. Having heard the arguments of both the counsels, the court scrutinized the application in the backdrop of pleadings of the parties and the objection statement raised against the same. Now, finding of the Court on the point is in the “Affirmative” for the following:-

REASONS

6. On perusal of the plaint, issues, objection to the application and arguments of both the sides. The said amendment will not change the nature and cause of action and it will cause prejudice to the defendant. If the application is not allowed, plaintiff will be put to great hardship as she has to prove the above amendment by leading evidence and documents and no hardship will be caused to defendant as she will get every right and opportunity to cross examine and contradict on the said proposed amendment and also has got opportunity to prove the case on defense. Accordingly, for the conduct of the

plaintiff in filing this application after framing the issues, which is belated one, a cost of Rs.1,000/- is necessary payable to the defendant. As such, I am inclined to hold the point is in the “Affirmative” and proceed to pass the following.

ORDER

I.A dated 25.03.2019 filed by the
plaintiff U/o 6 rule 17 r/w Sec. 151
CPC is allowed on cost of Rs.1,000/-
payable by plaintiff to the defendant.

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced in the open Court on this the 15th day of October 2020)

**Prl., Senior Civil Judge & CJM,
Ramanagara**