

**Date: 10.11.2023**

Pltf: SL

D1 to D3: MB

D4: DGP

For Orders on I.A.No.VI & VII

**Orders is pronounced in the open court.**  
**(vide separately)**

**ORDER**

The I.A. No.VII is filed on behalf of the Defendant Nos.1 to 3 under Order VII Rule 11(a)

and (d) with Section 151 of Civil Procedure Code is hereby allowed.

The plaint presented by the Plaintiff as far as it relates to Item No.2, CL-2 License is rejected.

Therefore, the suit of the Plaintiff in respect of Item No.2 is dismissed.

However, the suit of the Plaintiff will be proceeded with as far as it relates to Item No.1 property.

No order as costs.

(SHUBHA)  
**Senior Civil Judge & JMFC.,**  
**Channapatna.dt.10.11.2023.**

### **ORDERS ON I.A.NO.VI**

The above application i.e., I.A.No.VI is filed on behalf of the Plaintiff under Order VI Rule 17 read with Section 151 of Civil Procedure Code praying this court to permit her to amend the plaint.

2. By way of amendment, the plaintiff wants to add 21 items of properties after the 2<sup>nd</sup> item.

3. The Plaintiff has submitted that since she had lack of knowledge with regard to the family properties, she could not give the particulars of those properties at the time of

filing this suit. Hence, prayed to allow the application.

4. The Defendants have not filed any objections to the above application.

5. I have heard the arguments of learned advocates for both the parties on I.A. No.III. Now the points that arise for my consideration are:

#### **POINTS**

(1) Whether the proposed amendment is just and necessary for proper adjudication of this suit ?

(2) What order ?

6. My findings to the above points are as follows:-

Point No.1 : In the Negative

Point No. 2 : As per the final order for the following :

#### **REASONS**

7. **POINT NO.1 :-** The above application i.e., I.A.No.III is filed on behalf of the plaintiff under under Order VI Rule 17 read with Section 151 of CPC praying this court to permit her to amend the plaint. By way of amendment, the plaintiff wants to add 21 items of properties after the 2<sup>nd</sup> item.

8. The Plaintiff is the master of her suit. Therefore, she can decide as to how many properties to be added in the suit. Therefore, if the above properties are included in the suit, it will enable the court to dispose of the matter finally. In this case, in view of rejection of plaint in respect of item No.2, the said property has to be shown as deleted and after showing the item No.2 as deleted, the Plaintiff can seek necessary amendment in the plaint. Hence, the above application deserves to be allowed. Hence, I have answered the **Point No.1 in the Affirmative.**

9. **POINT NO.2** :- In view of my findings given on Point No.1 for the reasons discussed herein above paragraphs, I proceed to pass the following:

**ORDER**

The I.A.No.VI filed on behalf of the Plaintiff under Order VI Rule 17 read with Section 151 of Civil Procedure Code is hereby allowed.

However, the Plaintiff shall delete the Item No.2 in view of rejection of plaint as far as it relates to Item No.2.

After deleting the Item No.2, the Plaintiff is directed to carry out necessary amendment in the plaint.

For amendment and amended plaint.

Call on **18.12.2023.**

(SHUBHA)  
**Senior Civil Judge & JMFC.,  
Channapatna.dt.10.11.2023.**