

ORDERS ON IA.NO.2

The plaintiff has filed IA.No.2 U/O 6 Rule 17 R/w Section 151 of CPC with a prayer to permit the plaintiff to amend the plaint at cause title with regard to father name of the defendant as late Nanjayya instead of late Muddaiah and rectify the name of the hobli as Maralavadi hobli instead of Harohalli hobli as prayed in the application.

Heard and perused.

Perused the contents of affidavit annexed to the present application and documents and also plaint averments. Admittedly the plaintiff has filed the present suit against the defendant for declaration and permanent injunction in respect of suit schedule property. The plaintiff is intending to mention the correct name of defendant's father and his address at cause title of the plaint for better adjudication as the summons of this suit has to be served on the defendant.

I have perused the averments of the plaint, application and documents. The burden to prove the plaint pleadings is always upon the plaintiff. While allowing this application, no harm or injury would be caused to the defendant and it will not amount to retraction of any admissions. Under such circumstances, the proposed amendment will not cause any prejudice to the defendant as they will get every opportunity to cross examine the plaintiff in this regard as well. The nature of the suit will not be changed by virtue of proposed amendment. Hence, viewed from this angle, plaintiff has made out grounds for allowing the application. By considering the facts and circumstances of case. I proceed to pass the following :

ORDER

IA.No.2 filed by the plaintiff U/O 6 Rule 17 R/w Section 151 of CPC is hereby allowed on cost of Rs.200/- payable to the TLSC, Kanakapura.

The plaintiff is permitted to amend the plaint as prayed in the application and shall furnish amended plaint.

Call on 19-06-2025.

Sd/-
Prl., Civil Judge & JMFC.,
Kanakapura.