

ORDER ON I.A No.2 UNDER ORDER VI RULE 17 R/w
SEC 151 OF CPC FILED BY THE PLAINTIFF

The present application is filed by the plaintiff under order VI Rule 17 Read with section 151 of the Civil Procedure Code seeking the permission to amend the plaint in the interest of justice and equity.

2. In the affidavit accompanying the application the plaintiff states that, he has filed the present suit against the defendants for Specific Performance of Contract but the defendants by colluding with each other with an intention to defraud his rights have illegally got divided the suit schedule property through registered partition deed dated 06.11.2023 and have also got illegally the Durasth of the suit schedule property done and katha of the suit property changed in their names in collusion with revenue officials and

after such a partition, the suit schedule property has been phoded as Sy.No.141/16 and 141/37 and the said fact came to the knowledge of the plaintiff recently and as soon as it came to his knowledge he has filed the present application seeking the proposed amendment so as to insert the facts regarding the alleged partition deed and about the phodi of the suit schedule property. He also states that if the present application is allowed no hardship would be caused to the defendants and hence prays to allow the application.

3. On the other hand, the defendants have not appeared before court inspite of service of summons on them. Hence, they are placed exparte and objection taken as not filed.

4. Heard the learned counsel for the plaintiff and perused the materials on record.

5. The present application is filed by the plaintiff when the evidence is not yet commenced and as the proposed amendment is regarding the suit schedule

property with respect to which the plaintiff alleges the execution of the sale agreement by the defendants and also that the said suit schedule property was divided among the defendants by way of execution of partition deed dated 06.11.2023 in order to defraud his rights, it appears that it is necessary to allow the amendment sought by the plaintiff. The proposed amendment will not introduce any new facts. On the other hand, the proposed amendment helps the court for the proper and complete adjudication of the matter before it and hence, I proceed to pass the following:-

ORDER

I.A.II filed by the plaintiff under Order VI Rule 17 R/w Sec.151 of CPC is hereby allowed.

The plaintiff shall carry out the amendment as prayed for and furnish the amended plaint.

Call on 08.11.2024

**II Addl. Civil Judge & JMFC.,
Kanakapura.**