

**ORDERS ON I.A.IV UNDER ORDER VI RULE 17 R/w SEC  
151 OF CPC FILED BY THE DEFENDANTS**

The defendants No.1 to 3 filed an application under Order VI Rule 17 R/w Sec.151 of CPC to permit to amend the written statement in the interest of justice and equity.

2. In the application the defendants have sought the permission to add para No.8(a) to (c) in the written statement and in the affidavit accompanying the application the defendant No.1 to 3 have contended that, due to oversight and inadvertence mistake, some important pleadings have not been mentioned in the written statement. The non-mentioning of the same is not intentional one but bonafide one, it is just and necessary to amend the written statement for the purpose of proper adjudication of the rights of the parties. Hence, prays to allow the application.

3. On the other hand, the plaintiff inspite of being provided with sufficient opportunity have not filed the objection to said application. Hence, objection of plaintiff is taken has not filed on 04.09.2021.

4. Heard and Perused material placed on record.

5. The present application, is filed by the defendant No.1 to 3 seeking the permission to amend the written statement. The case is at the stage of argument. At this point of time it is a notable fact that, the present amendment sought by the defendants will not introduce any new facts to the case. Further, it is also notable that intention of inserting Order VI Rule 17 of CPC is for promoting ends of justice and not to defeat them therefore, it is a general rule to grant the amendment and to refuse the same is an exception. Merely allowing amendment application in itself would not amount to grant of relief sought in the proposed amendment. The burden still remains on the defendants to establish their defence and it will not cause any serious prejudice to the plaintiff because as against the proposed amendment it is always open for the plaintiff to lead rebuttal evidence. Hence, I am of considered opinion that granting of amendment really subserves the ultimate cause of justice and avoids further litigation. Hence, I proceed to pass the following:

**ORDER**

I.A.IV filed under Order VI Rule 17  
r/w Sec. 151 of CPC by the defendant No.1  
to 3 is hereby allowed.

The defendant No.1 to 3 shall carry out amendment as prayed for and furnish amended written statement by 20.11.2023.

**Sd/-**  
**I Addl. Civil Judge & JMFC.,**  
**Kanakapura.**