

ORDERS ON IA.NO.7

The defendant No.1 has filed IA.No.7 U/o 6 Rule 17 R/w Section 151 of CPC with a prayer to permit him to add additional paras in the written statement as prayed in the application.

The learned counsel for the plaintiff has opposed to the present application by filing detailed objections. In the objections it is contended by the plaintiff that the contentions which were urged in the additional paras are all false and frivolous. Hence the present application is not maintainable at this belated stage and prayed to dismiss the application.

Heard both the parties on application.

Perused the contents of affidavit annexed to the present application and documents and also written statement averments.

Admittedly the plaintiff has filed the present suit

against the defendants for declaration and permanent injunction in respect of suit schedule property. It is pertinent to note that, the defendant No.1 is contesting the suit by filing his written statement. Now the defendant No.1 is intending to add some more paras to his written statement. The paragraphs which are tried to be inserted by defendant No.1 is nothing but explanation or rider to the contentions raised by him in his earlier written statement as stands today. Since the plaintiff has filed this suit against the defendants with some reliefs as such the defendant No.1 should be given every opportunity to defend the same. Under such circumstances, the proposed amendment will not cause any prejudice to the plaintiff as he is not at all surprised with the proposed amendment. More over the defendant No.1 is intending to introduce some facts with regard to limitation and non-joinder and miss joinder of necessary parties as such the heavy burden will be upon the defendant No.1 to prove the said facts. The nature of

the defence will not be changed by virtue of proposed amendment. However, proposed amendment intends to add the explanation and rider to the pleadings already taken by the defendant No.1 and it is for the defendant No.1 to prove those pleadings.

I have perused the averments of the plaint, written statement, application and objections. While allowing this application, no harm or injury would be caused to the plaintiff and it will not amount to retraction of any admissions. Under such circumstances, the proposed amendment will not cause any prejudice to the plaintiff as he will get every opportunity to cross examine the defendant No.1 in this regard as well. The nature of the defence will not be changed by virtue of proposed amendment. Hence, viewed from any angle, defendant No.1 has made out grounds for allowing the application. With these observations, this court proceeds to pass the following :

ORDER

IA.No.7 filed by the defendant No.1 U/o 6 Rule 17 R/w Section 151 of CPC is hereby allowed on cost of Rs.200/-.

The defendant No.1 is permitted to amend the written statement as prayed in the application and shall furnish amended written statement.

Call on 08.10.2025

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