

ORDERS ON IA.NO.2

Sri.S.V.V, advocate for plaintiffs has filed IA.No.2 U/o 6 Rule 17 of CPC with a prayer to permit the plaintiffs to amend the plaint at the cause title of the plaint and to add para as sought in the application.

Heard on I.A.No.2.

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

Admittedly the plaintiffs have filed the present suit against the defendants for declaration, mandatory and permanent injunction in respect of suit schedule property. Now the plaintiffs are intending to add some facts with regard to construction of asbestos sheet house in the suit schedule "B" property and rectify the father name of the plaintiff No.3 as late Ganesh instead of late Ramesh. Since the plaintiffs

have approached the court with some relieves as such, it is on the plaintiffs to plead and prove about their pleadings. The plaintiffs are intending to add correct father name of the plaintiff No.3 and some facts about the construction in the plaint.

I have perused the averments of the plaint, application and documents. The burden to prove all the pleadings is upon the plaintiffs. While allowing this application, no harm or injury would be caused to the defendants and it will not amount to retraction of any admissions. Under such circumstances, the proposed amendment will not cause any prejudice to the defendants as they will get every opportunity to cross examine the plaintiffs in this regard as well. The nature of the suit will not be changed by virtue of proposed amendment. Hence, viewed from any angle, plaintiffs have 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 plaintiffs U/o 6 Rule 17 of CPC is hereby allowed on cost of Rs.200/-.

The plaintiffs are permitted to amend the plaint as prayed in the application and shall furnish amended plaint.

Call on 03.11.2025

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