

ORDERS ON IA.NO.12

Sri.C.M.J, advocate for plaintiff has filed IA.No.12 U/o 6 Rule 17 R/w Section 151 of CPC with a prayer to permit the plaintiff to amend the plaint at the description of suit schedule property about boundaries.

Heard on I.A.No.12.

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 defendants for declaration, possession and permanent injunction in respect of suit schedule property.

It is well settled principle of Law that in a civil suit as per Under Order 7 Rule 3 of CPC the identification of the immovable properties must be very clear for effective result. Since the plaintiff has approached the court with some relieves as such, it is on the plaintiff to plead and prove about the identification of property on which he is

claiming the relieves. The plaintiff is intending to add the new survey number of the suit schedule property at the description of the suit schedule.

I have perused the averments of the plaint, application and documents. The burden to prove the description of the suit schedule property and other pleadings is upon the plaintiff. 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 plaintiff in this regard as well. The nature of the suit will not be changed by virtue of proposed amendment. Hence, viewed from any 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.12 filed by the plaintiff U/o 6 Rule 17 R/w Section 151 of CPC is hereby allowed on cost of Rs.300/-.

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

Call on 05.06.2026

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