

ORDER ON I.A.No.IV

The application is filed by the plaintiffs U/o 6 Rule 17 R/w 151 of CPC praying to permit them to carry out the amendment to the plaint prayer column.

The plaintiff No.2 has sworn an affidavit annexed to this application.

The defendant No.1 has filed objection to this application.

This Court has gone through the contents of affidavit, proposed amendment, objections, pleadings and records.

By filing the application, the plaintiffs has prayed to amend his plaint prayer column from negative relief to positive relief. The plaintiffs have filed this suit as against the defendants seeking the relief of declaration and permanent injunction. By filing the written statement, the defendants have seriously contested the present suit. The proposed amendment is nothing but a rectify the prayer column. On perusal of the proposed amendment, it prima facie appears that, the proposed amendment does not take away the effect of the defence, taken by the defendants in their written statement. Further, for consideration of the defence taken by the defendants, the proposed amendment is very much required. Further, the proposed amendment is not working injustice to the other side and it is necessary for the purpose of determining the real questions in controversy between the parties. Hence,

the present application filed by the plaintiffs is required to be allowed. With these observations this Court proceed to pass the following

ORDER

The application I.A.No.IV filed by the plaintiffs U/o 6 Rule 17 of CPC is hereby allowed with cost of Rs.2000/-.

The plaintiffs are hereby permitted to amend the prayer column of the plaint as stated in his application.

For amendment and amended plaint.

By 29.08.2023.

C/c I Addl.Civil Judge and JMFC,
Thirthahalli.

