

**Orders on Application filed U/o 6 Rule
17 of CPC by the Plaintiff.**

1. The Plaintiff has filed the present application under Order 6 Rule 17 of CPC praying to permit him to amend the plaint and insert additional prayer of declaration of title. In the affidavit annexed thereto, the plaintiff contends that the Defendant has raised specific defence of the plaintiff having not sought the said prayer as the suit is based on will. Hence the proposed amendment.

2. Per contra the L/c for the defendant No.2 has resisted the application contending that no valid reasons are accorded for the proposed amendment

and the same is not maintainable and would change the nature of the suit and hence prays to dismiss the application.

3. Heard both sides and perused the materials placed on record. This is a suit for bare injunction, however, the claim is based on a registered will. Since the Defendant No.2 has specifically disputed the said fact, it has necessitated the plaintiff to seek the relief of declaration, without which the suit would not be maintainable and hence this Court opines that the proposed amendment is necessary for proper adjudication of the suit. For the aforesaid reasons, this Court proceeds to pass the following:

ORDER

Application under Order 6 Rule 17 of CPC filed by the plaintiff is hereby allowed on cost of Rs.100/-

Sd/-

ACJ & JMFC, C.N.Halli

For amendment and amended
plaint, call on 05/07/2024

Sd/-

ACJ & JMFC, C.N.Halli