

Plaintiff as filed an IA U/o 6 Rule 17 of CPC by seeking permission of this court to amend the plaint A schedule to delete item no. 2 and 3 of the said schedule.

It is stated in the affidavit that the plaintiff has filed this suit against defendants for the relief of declaration and recovery of possession with respect suit schedule property.

At the time of filling of the suit , he has added property no. 2 and 3 of A schedule in the plaint now he is not claiming any reliefs about those properties. Hence he has filed this IA to delete those to items of A schedule property.

Per contra , D1 to 4 have filed objection by contending that the application is highly belated one and filed to drag on the proceedings. Contents of the affidavit are not satisfactory . This is the suit of the year 2020 and plaintiff has already filed similar application for amendment of the plaint for deleting suit item no. 2 and 3 of B schedule . Now he has come up with this IA for deletion of Item No. 2 and 3 of A schedule . This attitude of plaintiff filling one or the other application for the same purpose is only for dragging the proceedings. In the plaint the plaintiff has made an allegation against the defendants that they have encroached the property and now after laps of 5 years , he has filed this application to delete suit item No. 2 and 3 of A schedule. Hence Heavy

cost to be imposed on the applicant . On these grounds they pray to dismiss the IA . I have heard both sides.

The learned counsel for D1 to 4 submits that he has filed detailed objection but IA may be allowed by imposing suitable cost since it is filed after laps of 5 years.

In view of the same and by considering the application filed by the plaintiff after laps of 5 years and the harassment caused to the defendants and waste of precious time of the court, this IA deserves to be allowed by imposing suitable cost. Hence I proceed to pass the following.

ORDER.

IA No. 13 filed by the plaintiff U/o 6 Rule 17 of CPC is hereby allowed on cost of Rs. 1000/- payable Rs. 500/- to defendants and Rs. 500/- to TLSA Gubbi on or before next date of hearing.

Accordingly the plaintiff is permitted carry out amendment in A schedule of plaint as prayed in this IA and to file amended plaint by: 13-02-2026.

Sd/-

Prl.Senior Civil Judge and JMFC,
Gubbi