

i.	Provision under which the application is filed	Order VI Rule 17 of CPC
ii.	Relief sought for	To amend plaint
iii	The date on which the application is filed	24-01-2024
iv	Number of the application	I.A.No.19
v	The date on which the objections are filed by different opponents	29-06-2024
vi	The date on which the orders were passed on the said application.	30-07-2024

ORDER ON I.A.NO.19 FILED UNDER

ORDER VI RULE 17 OF C.P.C.

Application is filed by plaintiff No.3
seeking amendment of the plaint .

It is deposed by the plaintiff No.3
that he earlier being defendant No.14,
was transposed as plaintiff No.3 and in
view of his transposition, certain
amendments were required. Accordingly
prays to allow the application.

Defendants did not file any
objections to the application.

Heard from the counsel for
plaintiffs and counsel the defendants .

The following point arise for my
determination.

“Whether the proposed
amendment is necessary at this
stage?”

My answer to the above point is in
‘affirmative’, for the following

REASONS

The present suit is for partition,
where defendant No.14 got transposed
himself as plaintiff No.3 in view of
continuous absence of plaintiff No.1 and
2. therefore, now the plaintiff No. is
trying to bring out some amendment in
the plaint regarding the change in the
cause title, , bringing the L.Rs., of

deceased defendant No.1 and clerical change in the shares of the parties. Since there is no objection by the defendants and the proposed amendment would not change the jurisdiction or the nature of the suit, this court is of the considered opinion that the proposed amendment is necessary. Accordingly holding that the above amendment is necessary, the above point is answered in the affirmative.

In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No.19 filed by the plaintiff No.3 under Order VI Rule 17 of C.P.C., is hereby allowed.

Counsel for the plaintiff No.3 is permitted to carry out amendment in the plaint.

(SHARMIL C.S.)

Senior Civil Judge & ACJM Karkala.