

MHND060010182021



R.C.S No.157/2021
Konreddy & antr Vs.
State & ors.

ORDER BELOW EXH-71
(Dated 11.12.2024)

This application is filed by plaintiffs for amendment in plaint as per Order VI, Rule 17 of Code of Civil Procedure. The plaintiffs claims to add a new para pertaining to facts about defendants issued notices to the plaintiffs for measurement for the suit land, the measurement there by and about its process, it is further claim that said measurement is void and not as per rules of the Trust Act, and also accordingly a relief of declaration of the measurement to be null and void. It is further claimed that plaintiffs was unaware of got knowledge of it subsequently and so the present application.

02. The defendants objected on the ground that aspect of measurement is not fact in issue nor any relief is sought to that extent. The said amendment shall change the nature of suit and hence, application be rejected .

03. Heard both sides.

04. Following points have arise for my consideration and the Court has recorded its findings thereon for the reasons stated thereunder :

<u>Sr.No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
01	Whether proposed amendment is necessary to decide real question in	In Affirmative

controversy between the parties ?

02 What order ?

As per
final order

REASONS

AS TO POINT No.01 :

05. The present application is supported by affidavit of plaintiffs. The proposed amendment is in respect of bringing some additional facts on record in respect of measurement and its procedure, it appears to be null and void in view of plaintiffs and wants to seek declaration of such measurement as null and void. Yet, there is no commencement of trial. The plaintiffs is also claiming amendment in the prayer clause accordingly. By way of amendment the plaintiffs wants to specify certain additional facts. Certainly the same does not change the nature of the suit and shall be helpful in deciding real question in controversy between the parties. Hence, the Court answers point No.01 in the affirmative.

AS TO POINT No.02 :

06. In view of findings given below point No.01, the application deserves to be allowed. Some inconvenience is caused to the defendants which can be taken care by imposing certain costs. Hence, the Court proceed to pass the following order :

ORDER

01. Application is allowed subject to costs of Rs.500/- be paid to the defendants.
02. The petitioner to carry out amendment

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within 14 days from the date of this order.

03. The petitioner to submit copy of amended petition.
04. The defendants are permitted to submit any additional amended written statement, if any.
05. Pronounced in open Court.

Date : 11. 12. 2024.

(A.A.K.Shaikh)
Civil Judge Sr. Division
Biloli.

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CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer : A.K.Shaikh

Court Name : Court of Civil Judge S.D. Biloli

Date : 11. 12. 2024

Judgment signed by the Presiding Officer on : 11. 12. 2024

Judgment/Order uploaded on : 11.12.2024