



AND:

1. RANGAMMA  
D/O MOTARANGAIAH  
AGE: MAJOR  
R/O AVARAGERE, YEDIYUR HOBLI  
KUNIGAL TALUK, TUMKUR DISTRICT
2. LAKSHMAMMA  
W/O K.B. BETTASWAMY  
AGE: MAJOR  
R/O KANTANAHALLI, YEDIYUR HOBLI  
KUNIGAL TALUK, TUMKUR DISTRICT.
3. GANGAHONNAMMA  
@ NAGARATHNAMMA  
D/O K.B. SHIVALINGAIAH  
W/O GOVINDA GOWDA  
R/AT NO. 1B, 14<sup>TH</sup> CROSS  
AGRAHAFA DASARAHALLI  
BANGALORE CITY. ... RESPONDENTS

(BY M/S C.R. GOPALASWAMY & ASSTS., ADVOCATES  
FOR C/R2;  
SRI. K.L. PRABHAKAR, ADVOCATE FOR R1 & 3)

THIS WRIT PETITION IS FILED UNDER ARTICLES  
226 AND 227 OF THE CONSTITUTION OF INDIA  
PRAYING TO QUASH THE ORDER DATED 27.09.2010,  
PASSED IN IA-XXXII, FILED U/OR. VI RULE 17 CPC, IN  
O.S.NO.305/1994, BY THE PRL. CIVIL JUDGE (SR.  
DN.) & JMFC, KUNIGAL, VIDE ANNEXURE-A.

THIS WRIT PETITION COMING FOR  
PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE  
COURT MADE THE FOLLOWING:

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ORDER

The plaintiffs in O.S.No.305/1994 on the file of the Principal Civil Judge (Sr. Dn.) and JMFC, Kunigal have filed the above writ petition challenging the order passed on I.A.No.XXXII filed by them under Order 6 Rule 17 of the Code of Civil Procedure seeking to amend the plaint as prayed therein.

2. Heard the Counsel for the petitioners and for respondent No.2.

3. On perusal of I.A.No.32, it is seen that the plaintiffs have filed the said application seeking to amend the plaint as detailed therein and the said application was filed on 24.9.2010. In the affidavit filed in support of the said application, it is contended that in pursuance of the allowing of the application filed under Order 1 Rule 10 of CPC seeking to implead the third respondent herein as one of the defendants, they are compelled to amend the plaint as sought by them.

4. The learned counsel for the petitioners as well as the second respondent admitted that the said I.A.

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under Order 1 Rule 10 was filed many years ago. In the circumstances, the observations made by the Judge in the impugned order that there is an inordinate delay in filing the application seeking to amend the plaint cannot be said to be improper. Further, it is also seen that the petitioners have not explained in the affidavit the reason as to why they were unable to amend the plaint. In the circumstances and in view of the discussions made in the impugned order with regard to the merits or otherwise of the proposed amendment no.6 that the same will take away the valuable right accrued to the defendant etc., the impugned order seems to be proper and does not call for any interference.

5. Further, it is seen that the suit is of the year 1994, the plaintiffs have filed the suit on the basis of alleged agreement of sale dated 29.12.1987 and except seeking a direction that the sale deed executed in favour of second respondent herein as void ab-intio, they have not sought any other relief in their favour on such agreement dated 29.12.1987.

*Handwritten signature*

6. In the foregoing circumstances, without going to the merits or otherwise of the suit and also as the reasons assigned in the impugned order by the trial Judge being sound and proper, the impugned order does not call for any interference and the above writ petition is dismissed. However, as the suit is of the year 1994, the Trial Court is directed to dispose of the suit expeditiously.

Sd/-  
JUDGE

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