

## C.P.C. Order-6:

1. Conflict of Decisions:- If the plaintiff had to file separate suits challenging different alienations during the period of his insanity, it will involve proving insanity in each suit which might lead to conflict of decisions. This least desirable. | *43 DLR(AD) 89, 7 BCR(AD) 363, 31 DLR(AD) 133, 60 DLR(AD) 42*
2. Rule-17: The proposed amendment would settle the question whether during the pendency of the suit the plaintiff was **disposed or not**. This will end all pending controversies between the parties and will not amount to change in the nature and character of the suit. | *50 DLR(AD) 86, 30 DLR(SC) 93, 45 DLR 154, 1 ADC 136, 6 MLR 263, 13 MLR(AD) 147, 11 MLR 325*
3. Rule-17: Original prayer is the plaint was for declaration of the partition deed as null and void and fraudulent. By an amendment prayer on it sought for cancellation of the deed as being fraudulent and void. *Held:* Amendment prayer should be allowed as cancellation of the document is a natural sequence when it is found to be product of fraud . Question of limitation not relevant. | *37 DLR(AD) 67, 5 BLD(AD) 253*
4. Rule-17: Amendment of pleadings may not be allowed as would alter the mater of suit, etc. However in certain circumstances the court may allow an amendment in what is not generally done. | *38 DLR(AD) 115*
5. Rule-17: The proposed amendment introducing **new facts and subsequent cause of action different from those made in plaint if allowed condoning the delay will change the nature and character of the suit**. Amendment was therefore rightly refused. | *48 DLR(AD) 120*
6. Rule-17: *Avoid Multiplicity of Suits:* Amendment of plaint to avoid multiplicity of suits and to shorten litigation and for end of justice. | *1 BLD(HCD) 25, AIR 1955(Hyd) 1, AIR 1954(SC) 75, 6 MLR(HCD) 345, 12 MLR(HCD) 41, 2 ALR 453*
7. Rule-17: The principle is that the nature and character of the suit do not change so long as the fundamental character of the suit remains the same. A suit for **declaration of title, recovery of possession and/or for partition** is essentially based on a common claim of plaintiff which may call for aforesaid different relief of reliefs in different situation. | *2 ADC 30, 3 ALR(AD) 5, 6 ALR(AD) 166*
8. Rule-17: The prayer for amendment of plaint for **partition** as an alternative prayer must be allowable in a a suit for **declaration of title and khass possession** by evicting the defendants or removing obstruction. | *1 XP(AD) 158*
9. Rule-17: The amendment of plaint under this rule of C.P.C. can be allowed by incorporation some paragraphs which are not subsequent event but related to an even existing about 10 years before the institution of the suit and it is not necessary to explanation as to why such fact was omitted in the plaint at the time of filling of the suit. | *1 XP(AD) 193*
10. Rule-17: The plaint proposed amendment of plaint by mentioning some plot number and marking the plots by red color specification the suit rood for convenience of the court as well as both the parties which will never charge the nature and character of the suit. | *2 XP 185*
11. Rule-17: If the prayer for amendment was allowed, the said amendment related **back to the date of institution** of the suit. | *4 XP(AD) 211, 48 DLR 531, 60 DLR 652*
12. Rule-17: *With Sec-151 of C.P.C.:* When a court has passed an order under this rule read with Sec-151 of C.P.C, any person aggrieved by that order may prefer a revisional application ..... | *4 ALR(AD) 57*
13. Rule-17: Proposed amendment of plaint concerning insertion of some land as schedule to the plaint .... | *6 ALR 103*
14. Rule-17: *In Appellate Stage:* The amendment application under this rule allowed in **appellate stage** and the defendant are allowed to file additional W/S. | *6 ALR 167*

15. Rule-17: The plaintiff have sought to **add some new facts which are not contradictory to the earlier foundation** of the suit and additional of two or more reliefs, one for **specific performance of contract and the other for possession** has not change the nature and character of the suit. | *5 ALR(AD) 94, 8 BLD(HCD) 524, 15 DLR(SC) 520, 29 DLR(AD) 311, PLD 1953(SC) 191, 11 BLD(HCD) 33*
16. Rule-17: The plaintiff is not entitled to get the plaint amended seeking for a decree for **specific performance of contract** converting the suit of one character into suit of another character and to substitute one distinct cause of action depriving the right of another party acquire by other laps of time when **specified limitation** is three years from the date of refusal. | *8 BLC 81*
17. Rule-17: In a pending civil revision .... amendment of the prayer portion of the plaint, and prayer for confirmation of possession as well as **permanent injunction** ..... There is no legal bar to allow such amendment. .... | *8 BLC 414*
18. Rule-17: Amendment of plaint regarding **violation** of the suit will not change the nature and character of the suit. | *9 BLC 416*
19. Rule-14 and Rule-17: Defect or irregularity in the matter of **signing the plaint and verification** to the plaint can be cured by amendment of the plaint. | *48 DLR 531*
20. Rule-17: In the appellate court parties filed a **solenama** on the basis of which the suit was remitted to the trial court for the said purpose-- The plaintiff could not be permitted to open the new issue (by amendment) for decision in the suit after having already entered into compromise admitting the claim of the appellent. | *80 DLR(AD) 148*
21. Rule-17: Court can take account **subsequent event** necessity amendment by addition of new relief that may be allowed to do complete justice. | *47 DLR 235*
22. Rule-17: Mere **delay in filing** the application for amendment of the plaint cannot be ground to hold that the application for amendment is malafide and the application is not entitled to the relief prayed for. | *48 DLR 372*
23. Rule-17: Law does not impose any bar on the **defendant to claim an many roots to his title** as he wants and they may even be conflicting to each other cannot be ground for rejecting an application for amendment. | *49 DLR 315*
24. Rule-17: The trial court is allowing amendment of the **written statement** must see that such amendment is **necessary for the purpose of determining the real question in controversy** between the parties as asserted in there respective pleading and not for purpose of determining facts which are introduced by making a total change of the nature and charter of the original written statement. | *57 DLR 51*
25. Rule-17: If the **material fact is not pleaded, evidence or submission** on it cannot be allowed. | *58 DLR 329*
26. Rule-17: In a **Suit for Partition** is a prayer for **declaration of title** is added that can under **no stretch of imagination** change the nature and character of the suit. | *58 DLR 240*
27. Rule-17: The plaintiff wants to change **the language of the prayer 3(Ka)** of the plaint for proper adjudication of the suit. The proposed amendment was **extraordinary and elucidative of facts** already asserted in the plaint. | *58 DLR 370*
28. Rule-17: The proposed amendment of the written statement and the averments of the additional written statement give **completely a new story** contrary to earlier written statement. .... | *59 DLR 43, 9 BLD(HCD) 380, 26 DLR 205, AIR 1953(Cal) 15*
29. Rule-17: Earlier amendment rejected .. .. court can exercise its **discretion in respect of allowing subsequent application**... .. by allowing later application court did not commit any error of law. | *63 DLR 141*
30. Rule-17: With Sec-153 of C.P.C.: Partition Suit: Where a party has **admitted certain facts, he cannot subsequently be allowed to disown** those admission by any way of amendment and if such prayer is allowed it will, instead of promoting ends of justice, defeat the end of justice. | *64 DLR(AD) 17, 70 DLR 437*
31. Rule-17: Any Stage: Amendment of pleadings may be allowed at **any stage** of proceedings. | *9 MLR(HCD) 11, 9 MLR(HCD) 338, 11 MLR(HCD) 241*

32. Rule-17: Belated Stage: Amendment of pleadings should not be allowed at the **belated stage** when sought for filling up *lacuna*. | 7 *MLR(AD) 107*, 9 *MLR(HCD) 113*
33. Rule-17: Appellate Stage: Amendment of plaint can be made at **appellate stage** provided the same is not barred by **limitation**. | 14 *MLR(AD) 107*, 10 *BLD(HCD) 419*, 29 *DLR(SC) 31*, 28 *DLR 131*, 13 *DLR 871*, 12 *DLR 626*
34. Rule-17: Whether prayer for **declaration that the deed of partition is void, fraudulent and illegal** can be amended by substituting prayer for cancellation of deed of partition.... | 5 *BLD(AD) 253*, 17 *DLR 190*, 29 *DLR(SC) 311*, 15 *DLR(SC) 120*
35. Rule-17: Pre-emption: Limitation and Laps of Time: Amendment would affect the question of **limitation** and the right allowed to defendant by laps of time , such amendment cannot be allowed to be made. | 5 *BLD(HCD) 61*, 5 *BLD(HCD) 30*, *AIR 1960(Lah) 975*, 17 *DLR(SC) 111*, 31 *DLR(AD) 133*, 6 *BLD(AD) 221*
36. Rule-17: Suit for declaration of nullity of alleged fraudulent decree and for an injunction - if the suit is maintainable the amendment of plaint for recovery of possession of the suit land from which the plaintiff was dispossessed by violent means is also maintainable. | 6 *BLD(AD) 54*
37. Rule-17: It is true that amendment can be allowed at any stage of proceeding, but an **inordinate delay it will be inequitable** to allow the prayer for amendment. | 6 *BLD(AD) 201*, 36 *DLR(AD) 253*
38. Rule-17: Amendment for further Relief-- allowed but only condition is that plaint is that it will not **take the defendant by surprise by introducing any new case or any new cause of action** altogether or it will not change the character of the suit. . . | 7 *BLD(AD) 55*, *AIR 1967(SC) 96*
39. Rule-17: When payment of **ad-velorem court fee** itself make suit maintainable --- no relief given. . . | 8 *BLD(HCD) 497*, 20 *DLR 332*, 28 *DLR 181*
40. Rule-17: The court has **no right to direct the amendment** of plaint when it has **no jurisdiction over subject matter** of the plaint... .. An amendment which involves a substantial alteration of the **cause of action** should not be permitted more specially when the suit was brought long after the period of limitation. | 11 *BLD(HCD) 23*, *AIR 1967(SC) 96*, *AIR 1935(All) 842*, *AIR 1936(Pat) 535*
41. Rule-17: The **power of the court** under this rule is no doubt **discretionary** but the same must be exercised in a judicial manner. | 11 *BLD(HCD) 314*, 12 *BLD(HCD) 231*, 25 *DLR 62*, 3 *PLR(PC) 310*, 41 *DLR 389*
42. Rule-17: Due to over sight at the time of filling of the suit, the learned lawyer of the plaintiff made some mistakes and as such the plaint should be amended. | 4 *LM(AD) 340*
43. Rule-17: With Sec-151, 152 and 153 of C.P.C.: After **final decree** has been passed, then trial court shall amend the same in term of judgement under section 151, 152 and 153 of the C.P.C. and change respective share as per law. | 4 *XP(FR) 1*

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