

**IN THE COURT OF CIVIL JUDGE (S.D),
GOGARI, KHAGARIA
PRESENT PRESIDING OFFICER SH. SUMIT KUMAR SINGH
TITLE SUIT NO. 25 OF 2012**

IN THE MATTER OF:
KAPILDEO CHAUDHARY ...PLAINTIFF

VERSUS

PERMANAND CHAUDHARY& ORS. ...DEFENDANTS

**ORDER
02.08.2022**

Present amendment application dated 23.02.2021 has been filed by the plaintiff under Order 6 Rule 17 CPC for amendment of plaint.

It is the case of plaintiff that the suit land contains a house. The house was occupied by the plaintiff. However, defendant 1st set have sold the land and the house to defendant no. 12 and 13. It is the case of plaintiff that on 14.02.2021 defendant no. 12 and 13 have forcebily entered in the house and obtained illegal possession by dispossessing the plaintiff. Hence, the plaintiff had filed present application for amendment of plaint to add necessary facts relating to dispossession and co-relating prayer for recovery of possession.

Defendants have objected the prayer on the ground that they have purchased the property long time ago and also have obtained possession of the property. As such the allegation of plaintiff is unfounded.

Heard ld. Counsel for the parties and perused the record. Perusal of record shows that the plaintiff had filed the present suit for

declaration of three sale deeds as null and void. There is no prayer for declaration of his right and possession over the suit land. It is the case of plaintiff that he and father of defendant no. 1 to 3, father of defendant no. 4 to 7 and father of defendant no. 8 to 11 have purchased the suit property jointly vide registered sale deed dated 10.08.1965. Then they have constructed their house. However, except plaintiff the other co-owners have alienated their share however, with wrong and fictitious boundaries. Hence, the present suit has been filed impugning the three sale deeds. Now it has been claimed that the house constructed by plaintiff has been unauthorizedly taken over by defendant no. 12 and 13 by dispossessing him. Hence, the averments made by the plaintiff is a necessary matter which requires consideration of this Court. The facts unless brought on record cannot be proved. However, the defendants shall have liberty to rebut the contentions of plaintiff. As such the present application is hereby allowed. Plaintiff is directed to incorporate the amendments within 15 days.

Defendants may file additional pleading if required.

List the matter on 15.09.2022.

Civil Judge (SD)