

**Order below Exhibit-98.**

1. Present application is seeking order of this Court under O.6, R.17 of Civil Procedure Code (herein after referred as C.P.C.) for amendment of the plaint.
2. In this application it is stated by the plaintiffs that they want to relinquish their rights from the revenue survey no.101, ad-measuring acre 2-08 gunthas and revenue survey no.89, ad-measuring acre 2-07 gunthas. Hence, amendment is sought by the plaintiffs to delete these revenue survey nos. properties from the plaint. It seems from this purposed amendment that, plaintiffs only wants to proceed with suit for the revenue survey no.339, ad-measuring acre 9-10 gunthas.
3. Ld. Advocate for the defendant No.6 Mr.V.T.Shah has filed his objections at exhibit-110 against this application. In this objections he has stated that, present application being belated requires to be rejected. It is also stated that suit is filed with ulterior motive, present application is not maintainable. This application is termed as abuse of process and thus prayer is advanced to reject this application.
4. Having gone through application, it appears that plaintiffs want to delete revenue survey nos.101 & 89

from the suit and they only want to continue this suit for remaining revenue survey no.369. Be it stated that as per O.23, R.1(1) At any time after the institution of a suit, the plaintiff may as against all or any of the defendants abandon his suit or abandon a part of his claim. Thus, this provision clearly makes plaintiff entitle to abandon a part of his claim. Further, objections raised by the defendant no.6 are also general in nature.

5.Considering nature of the suit and inter-say dispute between plaintiffs and defendant no.6, this Court is of the opinion that when pre-trial amendment is sought by plaintiffs, same is required to be construed liberally. Further, amendment sought by the plaintiffs is not changing nature of the suit.

6.Ex-consequently, I incline to allow this application and pass the following order in better interest of justice.

O R D E R

- 1.Present application is hereby allowed.
- 2.Plaintiffs to carry out necessary amendment in the plait and to produce amended plaint as early as possible and more particularly within time provided in O.6,R.18 of C.P.C.

**Signed & Pronounced in the open Court today on
2nd day of February, 2023.**

Morbi.

(Vikram Karsanbhai Solanki)

Date: 02.02.2023 2nd Additional Senior Civil Judge,

3/3

SP.C.S.No.17/2011

Morbi.

Code No.:- GJ-01099.