

28-03-2022

Heard counsel for plaintiff and defendant No.1, 3 to 5 on I.A. filed by plaintiff under order 6 Rule 17 of C.P.C. seeking to amend the plaint by incorporating additional pleadings in regard to execution of Gift Deed by defendant No.1 in favour of defendants No.2 to 5 on 03-11-2020. The plaintiff intends to seek relief of declaration to declare that the said Gift deeds are not binding on them. The defendant No.1 filed objections by contending that the said property is his self acquired property. The assertion of parties on the nature of property as that of joint family or self acquired cannot be decided on the I.A. Since the said transactions are taken place during pendency of suit the plaintiff is right in filing application seeking inclusion of said pleading.

O.S.No.355/2009

Hence reserving liberty to the defendants to file additional Written Statement, I.A. is allowed and plaintiff is permitted to amend the plaint as sought in I.A. The plaintiff shall carry out necessary amendment and shall file amended plaint.

Call on : 16-04-2022.

**Addl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**