

O.S.No.2124/2006

26-07-2022

Heard counsel for plaintiff and defendants No.1 to 5 on I.A. filed under order 6 Rule 17 and 1 Rule 10(2) of C.P.C.

Heard arguments on I.A. filed under order 23 Rule 1 of C.P.C. also. The plaintiff intends to abandon her claim against defendants No.6 to 8 and against suit item No.“A” to “D” schedule as she has executed Confirmation Deed on 13-07-2022.

O.S.No.2124/2006

The counsel for defendants No.1, 3 & 5 submits that the plaintiff has failed to pay the cost as ordered on 10-01-2020 and 15-06-2015. Therefore he requested to direct the plaintiff to pay the said cost. The counsel for plaintiff paid the said cost to the counsel for defendants No.1, 3 & 5.

The filed indicates filing of counter claim by the defendant No.2 in respect of suit schedule "E" to "N". He has also conciliated in his Written Statement that the suit schedule "A" to "D" have been sold in favour of defendant No.7. He has further contended that out of the sale proceeds of suit schedule "A" to "D" property, the properties mentioned at the end of Written Statement i.e., property bearing No.405 & 732 have been purchased in the name of defendants No.1 & 3. Therefore the Written Statement of defendant No.2 also indicate the factum of alienation of suit schedule "A" to "D" property in favour of defendant No.7. Therefore virtually there is no claim against said properties by the defendant No.2 also.

O.S.No.2124/2006

The defendant No.1 has also admitted that the said properties have been sold in favour of defendant No.7.

Sri. D.L.K. Advocate also submits that the same stand has been taken by defendants No.3 to 5. Therefore in view of Confirmation Deed executed by plaintiff in favour of defendant No.8, I deem it appropriate to permit the plaintiff to abandon her claim against suit item No."A" to "D" schedule and against defendants No.6 to 8. Hence application filed under order 23 Rule 1 of C.P.C. is allowed and plaintiff is permitted to abandon her claim against defendants No.6 to 8 in respect of suit schedule "A" to "D" property. The consequent applications filed under order 6 Rule 17 of C.P.C. and 1 Rule 10(2) of C.P.C. are also allowed. The plaintiff is carry out amendment and file amended plaint.

Call on : 30-07-2022.

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