

Despite time, objections not filed by defendants no.1 to 3 to amendment application. Hence, it is taken as nil, however, advocate for defendant no.1 to 3 present and orally objected that the prayer sought for amendment has already sought in OS.No.63/2019 and therefore, the present application is liable to be dismissed.

Heard on amendment application.

The amendment sought is to declare registered gift deed date 07.03.2019 in respect of suit properties has not binding and as pleaded regarding gift deed to be included in the plaint.

This is a suit for partition and separate possession. With regard to execution of gift deed, the plaintiff voluntarily having so pleaded is necessary for adjudication of the suit to determine the rights of the parties and their respective shares. The objection raised by the advocate for defendant is taken note and the advocate for plaintiff submits to withdraw the suit in OS.No.63/2019 which is based on the same relief as sought in this suit. Hence, the amendment being necessary, this court proceeds to pass the following

ORDER

The application filed under Order 6 Rule 17 of CPC is hereby allowed.

For amendment and for amended plaint, call on 26.06.2023.

Sd/-

PCJ & JMFC, C.N.HALLI.