

ORDERS ON IA No. 10 U/o 6 rule 17 of CPC.

Counsel for the defendant No.1 has filed the IA No.3 U/o 6 rule 17 of CPC., seeking amendment of written statement for the reason stated in the annexed affidavit.

In the annexed affidavit it has been sworn by the applicant that, the suit is for Partition and Separate Possession, proposed amendment is with respect to plead about the registered sale deed dated 14.10.2004. Therefore, allowing the same will not change the nature of the suit and will not cause any hardship to the other side on the other hand if this application is not allowed they will put to hardship. Hence, prays to allow the same.

Per contra, the plaintiff filed objection and contended that, the applicant has filed a false application. The proposed amendment facts are against to the suit for partition under Mohammedan Law. Therefore, they are going to introduce new fact. Hence, prays to reject the same with heavy cost.

Points for consideration.

Point No.1: Whether IA No.10 is reserved to be allowed?

Point No.2: What order?

My findings:

Point No.1 : Affirmative.

Point No.2 : As per the final order for the following:

REASONS

*This is the suit for **Partition and Separate Possession**, through this amendment the applicant intend to plead about the registered sale deed dated 14.10.2004 and in the written statement the applicant already taken contention that, he is the bonafied purchaser of the suit property. Therefore, the proposed amendment is noting but addl. Fact to the existing pleading and allowing the same will not change the nature of the suit. Hence, I answer point No.1 in the affirmative.*

Point No.2: *as per the final,*

ORDER

IA No. 10 U/o 6 rule 17 of CPC., filed by the defendant is hereby allowed.

For amendment and amended written statement.

Call on 25.01.2024.

Senior Civil Judge
and JMFC., Sira.