

R.C.S.No. 82/2009
Shakuntala Vs. Ankush

ORDER BELOW EXH.63

1. The plaintiff has filed the present application and thereby prayed that she may be permitted to amend para no. 6 of the plaint and thereby effect the amendment as mentioned in para no. 6 and submitted as under :-

2. Plaintiff wants to amend that defendant no. 1 prepared false release deed dated 7-5-1991 of the house which is mentioned in the said release deed. It was never owned by the father of defendant nos. 1 to 6. Therefore the said release deed is false.

3. The defendant nos. 2 to 6 filed their say and submitted that the proposed amendment is in respect of declaration of the release deed which is on record. The nature of the suit will be changed entirely and therefore the application should be rejected.

4. The suit is filed for the partition and in the plaint at para no. 6 it is seen that plaintiff alleged that defendant no. 1 in collusion with other defendants prepared false documents and it is also pleaded that the said documents are not binding on the plaintiff.

After considering the said para and after considering the nature of the suit it would be proper to give an opportunity to the plaintiff to amend the plaint and thereby to prove it accordingly for the proper adjudication of the matter and at the same time the defendants will have opportunity to defend themselves regarding the proposed amendment. The nature of the suit will not be changed. The suit will be proceeded for partition and in addition to it the discussion regarding the truthfulness of the release deed will be added. Therefore I am of the opinion that it would be proper to allow the application and permit the plaintiff to carry out the proposed amendment. Hence I pass the following order.

ORDER

1. Application is allowed.
2. Plaintiff is directed to carry out proposed amendment within 14 days of the order.

Date :- 27/01/2012.

(A. D. Thorat)
Civil Judge J.D., Chakur.