



ORDER BELOW EXH.47

1. Perused application. The plaintiff states that, mistakenly she omitted to claim a relief of declaration in respect of sale-deeds executed by defendant No. 5 of the land located in Survey No. 39/2. She states that, said property is a Joint Family Property purchased by the defendant No. 2 in the name of the defendant No.5. The defendant No. 5 sold it to proposed defendant without consent of family members. So, the transaction is not binding on her. She prayed to allow application, thereby permit to add defendant Nos. 9 & 10 alongwith insertion of pleading in para No.1 of the plaint.

2. The defendant Nos. 1 to 5 have given their no objection. The defendant Nos. 6 & 7 submitted that the plaintiff was aware about the transaction. She deliberately did not plead it. Hence, they object the application.

3. Heard advocate for the parties, who are present before the Court. I have gone through record. It appears that, issues have not framed so far. The suit is for partition and separate possession of Joint Family Property. So, it is necessary to grant permission to the plaintiff to add all the Joint Family Properties in common hotchpotch. It will not change the nature of suit. Hence, I pass the following order -

ORDER

- 1) Application is allowed.
- 2) Plaintiff to carry out amendment in plaint within 14 days from the date of this order.
- 3) Plaintiff to comply Order I Rule 10(4) of Code of Civil Procedure.

Date: 03.07.2020.

(N. S. Budruk)
Civil Judge Sr. Division,
Biloli.