

MHND060005032021



R.C.S. No. 58/2021

Mainabai & Anr. Vs. Kamalbai & Ors.

**ORDER BELOW EXH-19**

( Date 22.12.2022 )

Perused application. The plaintiffs state that, during pendency of suit, the defendant No.01 executed registered gift deed of suit property to the extent of 01 H. 20 R. land in favour of her daughter. Recently, the plaintiffs got knowledge of said transaction. Therefore, they prayed to allow their application. They prayed to permit them to amend their pleading thereby, to insert the fact of execution of gift deed and also to permit them to seek relief of declaration. They prayed to allow to join said daughter of defendant No.01 as a defendant in suit. The defendant Nos.01 to 04 opposed application.

02. Heard both learned advocates. Perused record. It appears that, suit is for partition and separate possession as well as for declaration. It appears that, the plaintiffs are seeking partition of land located in Gut No.17. It is contention of plaintiffs that, the defendant No.01 executed gift of some land located in said gut number, in favour of her daughter. Therefore, they be permitted to amend plaint and to add said daughter as proposed defendant. Thus, considering the nature of suit, it will be proper to permit the plaintiffs to carry out amendment in plaint. Proposed amendment will not change nature of suit. The person in whose favour interest is created, will get an opportunity to contest the matter. Therefore, I pass following order :

**ORDER**

01. Application is allowed subject to costs of Rs.300/-.
02. The plaintiffs to carry out amendment in plaint within 14 days from the date of this order.

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Ord. below Exh-19.

03. The plaintiffs to file amended copy of plaint.
04. Pronounced in open Court.

Sd/-

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

Date : 22. 12. 2022.