

ORDER BELOW EXH. 31 IN RCS NO. 1101/2013

This is an application for amendment by plaintiff, defendant filed their say at exh.no.34, perused the application and say. Heard learned counsel for plaintiff and defendant. Having regard to the nature of amendment it appears that the plaintiff seek this amendment in order to add the pedigree in the suit, showing the relationship between plaintiff and defendant moreso he has to amend that during partition $\frac{1}{4}$ th share from both gat no. were given to the plaintiff no.2, defendant no.1, Manik Dhandore and Bapu Nivrutti Dhandore. The plaintiff in this suit is defendant in R.C.S.no. 1065/2013 in which he filed written statement at exh.no.14 in which it is contended by the plaintiff means the defendant therein that $\frac{1}{4}$ share from both gat nos were given to the parties in partition. In my opinion merely because the pleading is amended it does not give the substantive rights to the parties to have claim over the property mentioned therein because it is needless to say that the plaintiff is under obligation to prove the case as per the pleading. Therefore I pass following order:-

ORDER

1. The application is allowed.
2. The plaintiff to carry out the amendment forthwith.
3. The plaintiff to file amended plaint within 3 days scrupulously.

Date :- 18/03/2015

(N.G. Vyas)
2nd Jt Civil Judge, Jr. Divison,
Malshiras

