

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 432 of 2021****With****R/CIVIL REVISION APPLICATION NO. 433 of 2021**

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RAKESHKUMAR MAHENDRABHAI DESAI

Versus

SHANKARBHAI KESHAVBHAI PATEL & ORS.

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Appearance:

MR.MANAN BHATT(6535) for the Applicant(s) No. 1

DHARMIK R BAROT(8785) for the Opponent(s) No. 2

MR PH GOHIL(1878) for the Opponent(s) No. 1

MR VAIBHAV A VYAS(2896) for the Opponent(s) No. 1

NOTICE SERVED BY DS for the Opponent(s) No. 3,5

REFUSED SERVED (N)(10) for the Opponent(s) No. 4

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER**Date : 24/02/2025****ORAL ORDER**

1. The present Civil Revision Applications have been filed challenging the common order passed below applications filed under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908 whereby the said applications have been rejected.

2. Mr.Pandya, learned advocate for the applicants submitted that an application for proposed amendment in para:6 of the application has been filed on the ground of suppression of material facts and to substantiate his argument with respect to rejection of plaint under the provisions of Order VII Rule 11 of the CPC, the amendment as sought in para:2 is required to be allowed.

3. Mr.Mehul Shah, learned senior advocate has no objection if

the said amendment is allowed subject to the fact that without entering merits of the amendment sought and keeping all the rights open to file reply to the said amended petition.

4. Having heard learned advocates for the parties, this Court is of the opinion that present amendment is required to be allowed to decide whether there was any suppression of material facts before the Court and it is allowed accordingly, keeping all rights open for either parties to argue. Necessary amendment to be carried out forthwith. The reply to the amended petition to be filed within three weeks.

5. It is clarified that while allowing the application for amendment with the consent of the respondent, this Court has not gone into merits of the application for amendment.

(SANJEEV J.THAKER,J)

MISHRA AMIT V.