

pursuant to the order dated 8th April 2024 the appellant has carried out amendment in the cause title, paragraph 1A and in the prayer clause.

3. Learned counsel for the added defendants points out that though this court had permitted the plaintiff to carry out amendment to add 2B to 2D as co-parceners the plaintiff has added defendant no. 2B as karta. Learned counsel for the appellant submits that if permitted the appellant shall make necessary amendments in the plaint to replace the word “Karta” with the word “co-parcener” in the cause title after defendant no. 2B.

4. So far as paragraph 1A is concerned, it is a formal amendment. Pursuant to the amendment in the title similar amendment is also made in the plaint to replace the word “Defendant no. 2 with the words “Defendant nos. 2B to 2D”. Hence, except for the word karta the correction in the cause title no additional amendment is carried out by the plaintiff.

5. In paragraph 1A also the plaintiff has mentioned 2B as Karta. Hence the appellant (plaintiff) is permitted to replace the word “Karta” from the cause title and paragraph 1A with the word “Co-parcener”. The plaintiff shall carry out the

amendment as permitted by this order within two weeks from production of copy of this order before the trial court.

6. The appellant makes a grievance regarding the order dated 8th October 2025 by which the additional defendant nos. 2B to 2D are permitted to cross examine the plaintiff. Learned counsel for the appellant submits that on 18th January 2012 an order of “No Cross’ was passed against the defendant. He submits that without recalling the said order, the added defendants are directed to cross examine the plaintiffs’ witness.

7. Learned counsel for the added defendants points out that this court vide order dated 8th April 2024 permitted these defendants to file their written statement. Accordingly, these defendants have filed their written statement. He thus submits that since these defendants are subsequently added and permitted to file additional written statement they would be entitled to cross examine the plaintiffs’ witness.

8. I have perused the order dated 18th January 2012. Since none had appeared for the defendant to cross examine PW-2, the cross examination of PW-2 was closed. However, since defendant nos. 2B to 2D are now brought on record

and are permitted to file their written statement, I do not see any reason to foreclose their right to cross examine the plaintiffs' witness.

9. Hence, in the facts and circumstances of the case order dated 18th January 2012 closing cross-examination of PW-2 is recalled and defendant nos. 2B to 2D are permitted to cross examine PW-2.

10. Since the suit is pending since 2001, the parties shall co-operate for early disposal of the suit and shall not seek unnecessary adjournment.

11. The writ petition is allowed in the aforesaid terms.

[GAURI GODSE, J.]