

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4933 of 2011

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1. Umesh Singh S/O Late Kamla Singh Resident Of Village Suitha, P.S. Parsa Bazar, District Patna.

.... Petitioner/s

Versus

1. Sanju Kumari W/O Munna Kumar And D/O Umesh Singh Resident Of Village Dudhiya, P.S. Akilpur, Via Danapur, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 17-08-2015

Heard Mr. Arun Kumar counsel for the petitioner.

The plaintiff of Title Suit no. 361 of 2003 has filed the present writ petition to assail the order dated 9.12.2010 passed by the Subordinate Judge-IV, Patna whereby the application filed under Section 114 of the CPC was rejected.

The Suit was filed by the plaintiff for declaration of title and further to declare that the defendant has no right to transfer the suit land.

The defendant-respondent filed the written statement and contested the suit. On 12.8.2008, the plaintiff filed an application for amendment in the plaint which was objected by the defendant. The trial Court by order dated 28.5.2010 rejected the said application observing that such amendment will change the

nature of the suit and will cause serious prejudice to the defendant. Two months thereafter the present application under Section 114 of the CPC was filed for review of the said order. Since there was delay in filing the application an application for condoning the delay was also filed. The trial Court allowed the application and condoned the delay. The application was heard on merit and rejected .

On a consideration of the submissions, the pleadings on the records and the reasonings of the trial Court set out in the impugned order, this Court is satisfied that the order impugned does not merit to be interfered with under Article 227 of the Constitution of India.

The application is devoid of merit. Dismissed.

(Kishore Kumar Mandal, J)

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