

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4477 of 2011

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Ram Govind Prasad, son of Sidh Nath Prasad, resident of Mohalla-Buxar
Turha Toli, Ward no.4, Police Station-Buxar Town, District- Buxar

-----Plaintiff.... Petitioner

Versus

1. Nirmal Kumar Srivastava

2. Raj Shrivastava,

Both sons of Sidh Nath Prasad

3. Guddu Shrivastava, son of Nirmal Kumar Shrivastava

All residents of Mohalla- Turha Toli, Ward no.4, Police Station-
Buxar Town, District- Buxar----- Defendant 1st Set—Respondent 1st Set

4. Shri Mahanth Ventektacharya, Chela Chaturbhuza Charge, resident of
village- Ahirauli, Police Station- Industrial, District- Buxar

5. Shesh Nath Prasad, son of Sidh Nath Prasad, resident of Mohalla- Buxar
Turha Toli, Ward No.4, Police Station-Buxar Town, District- Buxar

---- Defendant 2nd Set.... Respondent 2nd Set

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 25-06-2015

The petitioner, invoking writ jurisdiction of this

Court under Article-227 of the Constitution of India, has prayed
for quashing of an order 14.01.2011 passed in T.A. No.45 of 2007
by Sri G.P.Singh, learned Additional District Judge, F.T.C.II,
Buxar. By the said order, the learned court below has rejected the
petition dated 20.09.2010 filed by the petitioner for amendment
of the plaint.

Learned counsel for the petitioner submits that
only on the ground of delay, the amendment petition has been
rejected and, as such, order impugned is liable to be set aside.

Besides hearing learned counsel for the petitioner,

I have also perused the materials available on record as well as the order impugned. Fact remains that after about 12 years, a petition for amendment was filed. It is evident that nothing was indicated as to what was the reason, which petitioner prevented in filing such amendment petition earlier. In view of proviso to Rule 17, Order 6 of the Code of Civil Procedure, it was mandatorily required. Moreover, in the amendment petition, it appears that the petitioner at the appellate stage wanted to amend the plaint to the extend of declaring his title on the basis of adverse possession.

In view of the fact that no plausible explanation was made by the petitioner before the court below regarding delay in filing such petition, I do not find any defect in the impugned order. The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

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