

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.698 of 2012



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1. Birjhan Pandit son of Jag Pandit resident of village Indarwa
Abdullah, P.S. and District-Gopalganj.
 2. Kashi Nath Sharma.
 3. Shwami Nath Sharma.
 4. Dina Nath Sharma.
 5. Mina Nath Sharma.
 6. Shionath Sharma, all sons of late Mohar Sharma, R/o village-
Mahuawa, P.S. Kuchaikot, District-Gopalganj.

.... Petitioner/s

Versus

1. Noorul Abaddin.
2. Md. Badshah, both sons of Ahsanullah, R/o Village-Mahuawa, P.S.
Kuchaikot, District-Gopalganj.
3. Bibi Suthri Daughter of late Mohar Sharma, Resident of village
Mahuawa, P.S. Kuchaikot, District-Gopalganj.
4. Tahaubar Soo Ibrahim.
5. Baijnath son of Soyami all resident of village Mahuawa, P.S.
Kuchaikot, District-Gopalganj.
6. Farukh Ajam.
7. Noor Mohammad.
8. Manju.
9. Kaiser.
10. Gulran, all sons of late Habibullah
11. Bibi Nabulan wife of late Habibullah.
12. Taida.
13. Bitu, both daughter of late Habibullah, all resident of village-
Jangalia, P.S. and District-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Pd.Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 08-10-2015

Heard Mr. Yogendra Pd. Sinha, the learned counsel for the petitioners.

Grieved by the impugned order whereby the amendment in the plaint as sought by the plaintiffs has been allowed, the defendant-petitioners have filed this application under Article 227 of the Constitution of India.

The plaintiffs filed the suit for declaration of title over the suit land on the basis of purchase by the sale deed dated 27.10.1994 and for confirmation of possession over the same. During the pendency of the suit, the plaintiffs have filed a petition on 27.05.2004 praying for amendment in the plaint. The said petition was withdrawn by the plaintiffs on 31.07.2006 and thereafter another petition has been filed on 19.08.2006. After hearing the parties, the learned court below has allowed the aforesaid amendment after imposing the cost on the plaintiffs.

Mr. Sinha, the learned counsel for the petitioners has submitted that the amendment has been sought after long delay and therefore the learned court below ought to have declined the said amendment. It has also been submitted that nature and scope of the suit would also be changed by the amendment. The learned counsel for the petitioners has placed the impugned order at length during the course of submissions.

After careful consideration of the matter and the submissions on behalf of the petitioners, it is transparent from the amendment petition dated 19.08.2006 (Annexure-2) that by the said amendment the plaintiffs have only prayed for correction of some clerical and typist mistake in the plaint. Those amendments do not encroach upon the nature, scope or cause of action in the suit. The purpose of allowing amendment in the pleading, is for determination of real questions in controversy between the parties in the suit. The learned court below has considered the facts and circumstances and has passed the impugned order after imposing the cost upon the plaintiffs.

For the foregoing reasons, this Court does not find any illegality in the impugned order. The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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