

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1589 of 2012

IN

C. REV. 41 of 2012

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Smt. Saroj Devi, wife of Sri Hirdya Nand Pandey, resident of Village and Post Patedhi, P.S. Maharajganj, District Siwan

.... Appellant/s

Versus

1. Kishnawati Devi, wife of Shyam Kishore Prasad Kushwaha
2. Smt. Taramati Devi, wife of Sri Naval Kishore Prasad Kushwaha
3. Smt. Meena Devi, wife of Brij Kishore Prasad Kushwaha
All resident of Village and post office Bhithi, P.S. Goriya Kothi, District Siwan
4. Smt. Lal Munin Devi, wife of Sri Binod Prasad, resident of Village and Post Officer Bhithi, P.S. Goriya Kothi, District Siwan
5. Smt. Sarswati Devi, wife of Bishwanath Pandey, resident of Village Patedhi, P.S. Maharajganj, District Siwan
6. Nijay Upadhya
7. Ranjan Upadhaya
8. Abhay Upadhaya, Sl. No. 6 to 8 are sons of Late Kapildeo Upadhaya, resident of Village and Post Officer Bhithi, P.S. Goriya Kothi, District Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Nath Jha, Advocate
Mr. Sanjay Kumar Singh, Advocate

For the Respondent/s : Mr. Krishna Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 20-07-2015

Heard learned counsel for the appellant and the respondents.

2. By filing this appeal defendant of Title Suit No. 351 of 2004 has assailed the order dated 04.01.2012, passed by learned Single Judge in C.W.J.C. No. 18167 of 2011 whereunder learned Writ Court directed amendment in the plaint of Title Suit No.

351 of 2004. Against the said order defendant appellant also filed Civil Review No. 41 of 2012, which was also rejected under order dated 15.02.2012 and thereafter both the orders dated 04.01.2012 and 15.02.2012 whereunder amendments were allowed has been assailed in this appeal.

3. Learned Single Judge having considered the nature of the amendment has allowed the plaintiff to amend the plaint and there being no jurisdictional error in the order passed by the learned Single Judge, there is no question of any interference with the same. The appeal is, accordingly, disposed of granting liberty to the defendant-appellant to file additional written statement in the court below within 30 days from today annexing a copy of this order. It goes without saying that if the additional written statement is filed within 30 days, the same will also be considered along with the main written statement filed by the defendant-appellant earlier.

(V.N. Sinha, J)

(Jitendra Mohan Sharma, J)

Rajesh/-

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