

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4947 of 2011

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Dilip Bharti son of Late Mannu Sharma, resident of village Manjhaul, P.O. Manjhaul, P.S. Cheriay Bariyarpur, Begusarai

.... Petitioner/s

Versus

1. Laxmi Devi D/o Late Sukhdeo Sharma
2. Santosh Sharma son of Sukhdeo Sharma both are residents of Village Sheuri P.O. and Sub Division-Manjhaul P.S. Cheriay Bariyarpur, Pargana Bhusari, Sub-Registry-Bakhari, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kr. Verma

For the Respondent/s : Mr. Sanjay Kumar Ghosarvay

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 09-12-2015 Heard counsel for the petitioner and the defendants-respondents.

At the fag end of the suit when the case was posted for final argument and an adjournment for doing so at the instance of the plaintiff was allowed, a prayer for amendment was made in the plaint by the plaintiff which has been considered and rejected by the impugned order. The suit was filed for grant of permanent injunction. By amendment sought, prima facie, it appears that the plaintiff intends to challenge the legality of the sale deed executed by Khakhri Devi in favour of Sukhdeo Sharma. The plaint has not been enclosed. The Court is, therefore, not in a position to appreciate the actual effect thereof. The trial court having regard

to the materials on record, has concluded that by filing such application an attempt is made to protract the proceeding.

Counsel for the defendants-respondents has pointed out that another suit being Title Eviction Suit No. 21 of 2003 has been filed against the plaintiff of the present suit for eviction. The sole purpose of the plaintiff is to delay disposal of the matter.

Having regard to the submissions of the parties, I am not persuaded to interfere with the order which has been impugned in the present writ application in exercise of discretionary writ jurisdiction of this Court as no patent illegality has been shown. The application is dismissed.

(Kishore Kumar Mandal, J)

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