

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21398 of 2011

=====

1. Suryadeo Choudhary @ Surajdeo Choudhary Son Of Late Jagarnath Choudhary
Resident of Village-Patti Aswari, P.S. Kathaiya, Anchal-Motipur, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Law Secretary, Law Department, Government Of Bihar, Patna.
3. Harendra Singh Son Of Ram Karan Singh Resident Of Village-Patti Aswari, P.S.
Kathaiya, Anchal-Motipur, District-Muzaffarpur.
4. Nagendra Singh Son Of Ram Karan Singh Resident Of Village-Patti Aswari, P.S.
Kathaiya, Anchal-Motipur, District-Muzaffarpur.
5. Kalata Devi W/O Ram Karan Singh Resident Of Village-Patti Aswari, P.S.
Kathaiya, Anchal-Motipur, District-Muzaffarpur.
6. Ved Narayan Choudhary Son Of Jagarnath Choudhary Resident Of Village-Patti
Aswari, P.S. Kathaiya, Anchal-Motipur, District-Muzaffarpur.
7. Chandra Bhushan Choudhary Son Of Jagarnath Choudhary Resident Of Village-
Patti Aswari, P.S. Kathaiya, Anchal-Motipur, District-Muzaffarpur.
8. Ram Kishore Choudhary Son Of Late Baijnath Choudhary Resident Of Village-
Patti Aswari, P.S. Kathaiya, Anchal-Motipur, District-Muzaffarpur.
9. Bindeshwar Choudhary Son Of Late Baijnath Choudhary Resident Of Village-
Patti Aswari, P.S. Kathaiya, Anchal-Motipur, District-Muzaffarpur.
10. Mostt. Jileba Kuer Wife Of Late Rameshwar Choudhary Resident Of Village-
Patti Aswari, P.S. Kathaiya, Anchal-Motipur, District-Muzaffarpur.
11. Sahindra Sharma Son Of Ramnandan Sharma Resident Of Village-Patti Aswari,
P.S. Kathaiya, Anchal-Motipur, District-Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Rajesh Singh GP16

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 29-09-2015

Heard Mr. Shashi Bhushan Singh for the petitioner who
is defendant in Title suit no. 202 of 1998 .

The suit was filed for declaration of title in respect of a
piece of land contained in schedule II and to confirm the possession
of the plaintiff over the schedule 1 land of the plaint. The plaintiff-
respondent also prayed for a declaration that schedule II land was
wrongly recorded in the name of the defendant which be declared as
illegal.

While the suit was pending hearing and the parties were to adduce evidence an amendment petition (Annexure-2) was filed on 18.12.2007 to which defendant-petitioner filed rejoinder on 10.02.2008. The trial Court, on a consideration of the materials on record allowed the amendment petition after imposing cost on the plaintiff and permitting the defendant to file additional written statement.

Contention of the petitioner is that by amendment, the plaintiff-respondent wants to change the nature of the suit and some more land is sought to be added in the subject land of the suit. The trial Court in the order has noticed that the amendment was necessary for the full and final adjudication of the suit.

On hearing the counsel for the petitioner and perusing the materials on record, it does not appear to this Court that by amendment the nature of the suit would change. It remained a suit for declaration of title and confirmation of possession. No prejudice shall be caused to the defendant-petitioner who has been given liberty to file additional written statement. This being the position, this Court is unable to find any perversity in the impugned order meriting invocation of writ jurisdiction of this Court.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--