

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2430 of 2016

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Navin Singh & Ors

.... Petitioner/s

Versus

Ranjeet Kumar Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 25-07-2016 Heard the learned counsel, Mr. Pramod Kumar Singh for
the petitioners.

Perused the order dated 28.11.2015 passed by Sub Judge
I, Munger in Title(Partition) Suit No.167 of 2012 whereby the
learned Court below has allowed the amendment application filed
by the plaintiffs-respondents under Order VI Rule 17 C.P.C.

Admittedly, the suit is at the very initial stage. The
amendment sought for by the plaintiff is to delete some suit
property on the ground that those properties are acquired by father
and mother of the plaintiff and also the plaintiff prayed for making
some correction in the area of the suit plots. The Court below by
the impugned order has allowed the same.

So far merit of the application under Order VI Rule 17
C.P.C. is concerned, that cannot be considered at the stage when
the application for amendment is considered by the Court below.

So far the submission of the learned counsel for the petitioners that the plaintiffs cannot be allowed to delete some properties from the suit is concerned, the plaintiff cannot be compelled to proceed with the suit particularly when he has got the right to withdraw the suit with respect to some of the properties.

Since the suit is at very initial stage, there is no question of prejudice to the petitioners arises. The petitioners have the right to file additional written statement, therefore also, there is no question of failure of justice arises.

Accordingly, I do not find any merit in this writ application. Thus, it is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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