

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1260 of 2016**

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Mohammad Serazuddin Ansari & Ors

.... Appellant/s

Versus

Shakila Bano & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Nandan Sahay

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 07-12-2016 Heard the learned counsel, Mr. Ravi Shankar Sahay for
the petitioners.

Perused the impugned order dated 11.12.2015 passed
by Sub Judge V, Bhabhua in Title Suit No.540 of 2009 whereby
the learned Court below has rejected the amendment application
filed by the plaintiffs-respondents under Order VI Rule 17 C.P.C.

It appears that Title Suit No.540 of 2009 was filed by
only plaintiff, Shakila Bano for declaration of title. In the suit, the
ancestor of the petitioner was defendant No.1. They filed
supporting written statement. The defendant No.2 filed contesting
written statement. After filing the written statement by defendant
No.2, the sole plaintiff filed application for amendment alleging
that because of some statement made in the written statement of
defendant No.2, amendment is necessitated. The Court below by
the impugned order has rejected the amendment application filed



by the plaintiff.

This Civil Miscellaneous application has been filed by the heirs of defendant No.1 who are the supporting defendants. According to the learned counsel for the petitioners, he has got grievance against the defendant No.2 and, therefore, when the plaintiff did not challenge the order rejecting the amendment application, the supporting defendants are filing this Civil Miscellaneous case.

It may be mentioned here that the application was filed by the sole plaintiff. The pleading is her pleading i.e. the sole plaintiff pleading. If amendment is rejected, the aggrieved person will be the plaintiff only. The supporting defendants have got their separate pleading i.e. the supporting written statement. When the plaintiff is aggrieved person it cannot be said that the supporting defendants are also aggrieved person and, therefore, at their instance, this Civil Miscellaneous application is not maintainable.

Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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