

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12685 of 2014

=====

1. Mohan Sharma
2. Ramashish Sharma Both Sons of Late Kapil Deo Singh Resident of Village-
Chattar, P.O.- Hati, P.S. Kako, District- Jehanabad.

.... Petitioners

Versus

1. Bindeshwar Singh S/o Late Paras Singh Resident of Village- Chattar, P.O.- Hati,
P.S. Kako, Distt. Jehanabad.
2. Smt. Prabha Ranjan Devi W/o Upendra Sharma
3. Smt. Bintoo Devi W/o Shri Dharendra Kumar @ Babu Lal Both Resident of
village- Chattar, P.O.- Hati, P.S. Kako, District- Jehanabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 05-09-2016

Heard Mr.Mukesh Kumar No.-1, learned counsel
appearing on behalf of the petitioners.

The plaintiff is the petitioner in this application and
has questioned the legal sustainability of the impugned order by
which the prayer for amendment in the plaint as made by the plaintiff
has been rejected.

The plaintiff filed the suit, firstly, for the relief of
cancellation of the sale deed and thereafter for direction to the
defendant 2nd set to execute a fresh sale deed in favour of the plaintiff.
It transpires that the suit has been filed in the year 2006 and from the
impugned order it also further transpires that the argument in the suit

had started when the plaintiff preferred to file a petition for amendment. It is also evident that the plaintiff earlier filed a petition for amendment on 06.12.2012 and thereafter again on 19.09.2013, but the aforesaid two petitions were not pressed by the plaintiff. The another petition for amendment thereafter was filed on 01.05.2014 by the plaintiff seeking the same amendment.

After considering the submissions and the materials on record, this Court is not persuaded to hold that the learned court below has committed error or material irregularity in passing the impugned order when evidently there was no explanation on behalf of the plaintiff-petitioner with regard to the fact of not pressing the earlier prayer for amendment for incorporating the same fact and thereafter filing the petition for amendment at the stage when the argument in the suit had started.

Ex consequenti, this application is dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2016
Transmission Date	