

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19308 of 2014

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Md. Nezam @ Nezamuddin & Ors

.... Petitioner/s

Versus

Malika Firdaus & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 14-01-2016

At the time of hearing of the I.A. No.8670 of 2015, on

the prayer of the learned counsel for the petitioners, the writ application is also heard on merit in admission matter.

Heard the learned counsel, Mr. Dharmendra Kumar Sinha for the petitioners.

The learned Sub Judge VI, Gaya in Partition Suit No.172 of 2008 by terms of order dated 11.04.2014 allowed the amendment application filed by the plaintiff and added the purchasers as defendant in the suit and also allowed the amendment whereby the plaintiff claimed a relief that the registered sale deeds executed by the defendant Nos.1 to 3 in favour of these said defendants are not binding on the plaintiff.

Admittedly, the defendant Nos.1 to 3-petitioners have sold the property to the said purchasers. The amendment was made only for adding the said purchasers as party-defendant and

the plaintiff challenged the transfer made by the defendant Nos.1 to 3. From perusal of the impugned order, it appears that the court below has also granted liberty to the petitioner to file additional written statement.

In such view of the matter, since no amendment has been sought for with respect to the fact of the case, in my opinion, the impugned order needs no interference in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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