

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17862 of 2015

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Vinay Kumar Verma		 Petitioner/s
	Versus	
Sunil Kumar Verma & Ors		 Respondent/s

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with
Civil Writ Jurisdiction Case No.17931 of 2015

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Vinay Kumar Verma		 Petitioner/s
	Versus	
Sunil Kumar Verma & Ors		 Respondent/s

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Appearance :
(In CWJC No.17862 of 2015)
For the Petitioner/s : Mr. Nagendra Rai
For the Respondent/s : Mr.
(In CWJC No.17931 of 2015)
For the Petitioner/s : Mr. Nagendra Rai
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 24-06-2016 Both these writ applications are directed against the same order dated 19.05.2015 passed by Sub Judge-8, Saran in partition suit No.227 of 2006. In one part, Order I Rule 10 application has been allowed. In the other part, amendment application has been allowed. The defendant has filed both these applications against the said different parts of the order.

So far amendment is concerned, the grievance of the petitioner is that by amendments, some properties are sought to be added but there is no specification of plot number and area.

So far this objection is concerned, it is settled principal of law

that **‘while considering whether an application for amendment should or should not be allowed, the Court should not go into the correctness or veracity of the case in the amendment. So far vagueness of the suit property sought to be added is concerned, that may be a ground in the additional written statement which can only be decided at the time of hearing of the suit after evidence.’** Admittedly, still no evidence has yet started.

So far addition of party is concerned, the defendants have no role to play as the plaintiff respondent is praying for addition of the party on the ground that the property of that person is also added as subject matter of the suit. The plaintiff is the dominus litis and, therefore, the defendant cannot be allowed to dictate against whom the plaintiff will fight the case and against whom the plaintiff will not fight.

I, therefore, find no reason to interfere with the impugned order passed by the Court below. Thus, both these writ applications are hereby dismissed. However, so far amendment part is concerned, the petitioner may file additional written statement.

Sanjeev/-

(Mungeshwar Sahoo, J)

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