

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12227 of 2014

- =====
1. Phulmati Kunwar widow of late Osiar Yadav.
 2. Nirmala Devi.
 3. Babita Kumar.
 4. Salu Kumari, all daughters of late Osiar yadav.
 5. Kamendra Yadav.
 6. Amrendra Prasad Yadav.
 7. Sanjay Kumar all sons of late Osiar Yadav, all resident of village Bhojchapr, P.O. Salehpur, P.S. Bishambharpur, District-Gopalganj.

.... Petitioner/s

Versus

1. Janki Devi widow of late Rambachhan Yadav, resident of village Bhojchapr, P.S. Salehpur, P.S. Bishambharpur, District-Gopalganj.
2. Birendra Tiwari, son of Girish Tiwari, resident of village Bhojchapr, P.S. Salehpur, P.S. Bishambharpur, District-Gopalganj

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-08-2016

Heard learned counsel for the petitioners.

The present application has been filed for assailing the impugned order by which the learned court below has allowed the prayer for amendment in the plaint.

Learned counsel for the petitioners has submitted that the amendment has been made at the belated stage and in fact it contains wrong statement by the plaintiff regarding dispossession from the suit

land at the hands of the defendants.

After considering the submissions and the perusal of the impugned order, it is evident that the suit has been filed for the main relief for declaration that the sale deed dated 19.04.2007 is not binding upon the plaintiff. By the amendment, the plaintiff has added the relief regarding recovery of possession from the suit land which is clearly in the nature of consequential relief.

This Court, therefore, does not find any illegality or irregularity in the impugned order justifying invoking the jurisdiction under Article 227 of the Constitution of India for interdicting the same.

The application is accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--