

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4718 of 2014

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1. Gyaneshwar Prasad Singh S/O Late Raghunandan Prasad Singh Resident
Of Muhalla Barmasia, Near P AND T Colony, Police Station AND District
- Katihar

.... Petitioner/s

Versus

Commissioners of Katihar Municipality & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha

For the Respondent/s : Mr. S.P. Tripathy

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 21-01-2016 Heard learned counsel for the petitioner as well as

Mr. S.P. Tripathy, learned counsel appearing for respondent Nos.

1 and 2.

It appears that the plaintiff-petitioner filed Title Suit
No. 01 of 2004 for declaration of title against the respondents
herein. In the said suit, an application was filed by the petitioner
seeking amendment with respect to four items. The court below
allowed the amendment with respect to item No. 1 and 2 and did
not pass any order with respect to item Nos. 3 and 4. According to
learned counsel for the petitioner, till today no evidence has been
adduced by the plaintiff or the defendant and the suit is at
preliminary stage but the court below without expressing any
reason has not passed any order with respect to item Nos. 3 and 4.

From perusal of the impugned order, it appears that admittedly, no order has been passed with respect to item Nos. 3 and 4 of the amendment application filed by the plaintiff-petitioner, which has been annexed as annexure-2 to this writ application.

In view of the above facts and circumstances, the matter is remanded back with regard to item Nos. 3 and 4 mentioned in the amendment application only. The court below shall pass necessary orders in accordance with law after hearing both the parties on these items only.

With the above observation, this writ application is disposed of and the matter is remanded to the court below for a fresh order as indicated above.

(Mungeshwar Sahoo, J)

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