

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6202 of 2014

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Dinanath Sonar, Son Of Late Sat Narayan Prasad, Resident of Mohalla-
Sonar Toli, Sasaram, P.S.- Sasaram, District- Rohtas.

.... Petitioner

Versus

1. Chandra Shekhar Singh, Son of Late Ram Singh @ Chotan Singh, R/o
Mohalla- Mahajan Toli, Sasaram, P.O. + P.S.- Sasaram, Distt. Rohtas, At
Present Residing At Mohalla- Patel Nagar Sikandar Nagar Near Pani Tanki
Adjacent New Railway Colony, Bhagalpur, P.O. + P.S.- Bhagalpur, Distt.-
Bhagalpur

2. Mostt. Bimla Kaur, Wife of Late Ram Singh @ Chotan Singh, R/o
Mohalla- Mahajan Toli, Sasaram, P.S.- Sasaram, Distt. Rohtas. At Present
Residing At Mohalla- Patel Nagar Sikandar Nagar Near Pani Tanki
Adjacent New Railway Colony, Bhagalpur, P.S.- Bhagalpur, District-
Bhagalpur

3. Smt. Sushila Devi, Wife of Shankar Prasad Gupta, Daughter of Late Ram
Singh @ Chotan Singh, R/o Mohalla- Mahajan Toli, Sasaram, P.S.-
Sasaram, District- Rohtas, At Present Residing At Mohalla- Jhusagarhi Kust
Ashram Road, Deoghar, P.S. + District- Deoghar.

4. Lalli @ Bhagwan Singh

5. Puku Singh @ Gyan Singh Both Are Sons of Late Raja Singh, Resident
of Mohalla- Mahajan Toli, Sasaram, P.S.- Sasaram, District- Rohtas

6. Babui Devi, Wife of Lakhan Singh, Daughter of Late Raja Singh
Resident of Mohalla- Panch Mandir More, Motihari, P.S.- Motihari,
District- Motihari

7. Kushum Devi Wife of Dilip Singh, Daughter of Late Raja Singh,
Resident of Mohalla- Kauaa Khol, Bulb Factory, Patna City, P.S.- Patna
City, District- Patna

8. Mema Devi, Wife of Prem Singh, Resident of Mohalla- Basti More,
Sasaram, Sagar Tent House, P.S.- Sasaram, District- Rohtas

9. Manohar Devi, Wife of Sudhir Prasad Gupta, Resident of Mohalla-
Kachauri Gali, Bindhyachal Bhawan, Patna City, P.S.- Patna City, District-
Patna

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 10-02-2016 Heard the learned counsel, Mr. Jitendra Singh, for the
petitioner.

This application under Article 227 of the Constitution
has been filed by the plaintiff for setting aside the order dated

02.01.2014 passed by Sub-judge 7th, Rohtas in Title Suit No. 229/2006 whereby the Court below rejected the amendment application recording the finding that the suit filed by the plaintiff for specific performance of contract has become infructuous because of the fact that the sale deed has already been executed by the defendant 1st set in favour of the plaintiff.

It appears that the tenants were also made party in the suit for specific performance of contract who were defendants 2nd set. The amendment was sought for by the plaintiff praying for recovery of possession from the defendant 2nd set. The Court below has rejected the second set amendment application on the ground that since the suit had become infructuous, this amendment cannot be allowed at this stage. The fact as has been submitted by the learned counsel Mr. Jitendra Kumar Singh that the defendants 2nd set are the tenants in the part of the suit premises. In this suit, the relief for recovery of possession could not have been granted and the Court below has rightly refused the amendment.

I find no reason to interfere with the finding of the learned Court below in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

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