

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8790 of 2014

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1. Rubi Kuwar Wife of Brajnandan Singh resident of village - More Dihri,
P.S. Jamhore, District - Aurangabad

.... Petitioner/s

Versus

1. Manjusha Devi Wife of Sri Harendra Singh, D/o Late Raj Mohan Singh
resident of village - More Dihri, P.S. Jamhore, District - Aurangabad
2. Ram Bhajan Singh
3. Radheshyam Singh
4. Shailendra Prasad Singh All sons of Late Raj Mohan Singh All resident
of village - More Dihri, P.S. Jamhore, District - Aurangabad
5. Smt. Maya Devi W/o Suraj Deo Singh, D/o Late Ram Mohan Singh
resident of village - More Dihri, P.S. Jamhore, District - Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

2 12-04-2016 Heard Mr. Bachan Jee Ojha, learned counsel for the
petitioner.

In this application filed under Article 227 of the
Constitution of India, the petitioner has questioned the legal
sustainability of the order passed by the learned court below
refusing the prayer for amendment of the petitioner in the
written statement.

The facts are not in dispute that the suit for partition has
been filed in which this petitioner has been impleaded as one of
the defendants. A written statement has been filed by this
petitioner where in paragraph nos. 9 and 12, the statements have

been made that Brajnandan Singh has sold the land without partition of the joint family property and had utilized the sale proceeds for the benefit of the entire family. Subsequently, however, the petition for amendment has been filed on behalf of the petitioner which in substance is to deny the fact of sale of land by Brajnandan Singh. The learned court below has refused the prayer for amendment taking the view that by amendment the categorical admission made in the pleading cannot be allowed to be resiled, as a valuable right has accrued to the other side.

After considering the submissions on behalf of the petitioner and the materials on record, it is manifest that the fact of sale of land by Brajnandan Singh has been admitted by the petitioner in the written statement. In that view of the matter, this Court does not find that the learned court below has committed illegality or material irregularity in any manner in refusing the petitioner to take away the said admission from the pleading by seeking amendment.

This application therefore has got no merit and is accordingly dismissed.

(V. Nath, J)

Ranjan/-

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