

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12645 of 2014

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Surendra Prasad Singh, Son of Late Ram Anup Singh, Resident of Village - Gumti,
P.S. Raja Pakar, District - Vaishali

.... Petitioner

Versus

1. Satrugan Prasad Singh
2. Kusheshwar Prasad Singh, Both Sons of Late Saryug Singh
3. Smt. Shanti Devi
4. Smt. Shakuntala Devi, Both daughters of Late Saryug Singh, Residents of Village - Gumti, P.S. - Raja Pakar, District - Vaishali
5. Asha Devi
6. Sudha Devi
7. Usha Devi, Daughters of Late Ram Anup Singh
8. Smt. Laganbarti Devi, Wife of Late Ram Anup Singh
9. Shri Anirudh Singh
10. Nirmal Kumar Singh, Both Sons of Late Ram Anup Singh, Residents of Village - Gumti, P.S. - Raja Pakar, District - Vaishali
11. Shri Bhola Singh, Son of Late Ramchandra Singh, Resident of Village Gumti, P.S. - Raja Pakar, District - Vaishali
12. Anand Kumar
13. Rajesh Kumar, Sons of Satrugan Prasad Singh
14. Sri Ajay Kumar
15. Sri Abhay Nandan
16. Sri Alok Jawahar, Sons of Sri Kusheshwar Prasad Singh, All Residents of Village - Gumti, P.S. - Rajapakar, District - Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Satish Narain Singh, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 05-09-2016

Heard learned counsel for the petitioner.

The defendant in the suit is the petitioner in the present application and is aggrieved by the order by which the learned court below allowed the prayer for amendment as made by the plaintiff for incorporating some more lands as subject matter of the suit.

Form the submissions on behalf of the petitioner and

from the materials on record, it is manifest that the suit has been filed for partition after declaration of title by the plaintiff. The learned counsel for the petitioner has categorically submitted that the trial had not commenced when the prayer for amendment was made. On behalf of the petitioner, however, it could not be established as to how if the trial had not commenced the amendment which has been allowed by the court for incorporating some more properties as subject matter of the suit will prejudice the defendant-petitioner in any manner as the defendant has got all the rights to raise proper objection in accordance with law by way of defence to the reliefs prayed by the plaintiff in the suit. The submission that the petitioner was not heard before the prayer for amendment was allowed by the learned court below also has no force as this Court has heard the petitioner and it could not be established on behalf of the petitioner that any prejudice would be caused in the facts and circumstance of the case by the order allowing the prayer for amendment.

The petition is, accordingly, dismissed.

(V. Nath, J.)

Kundan

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