

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15855 of 2015

=====

Ram Nath Ram & Anr

.... Petitioner/s

Versus

Bilas Ram & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 29-06-2016

Heard learned counsel, Mr. Ajay Kumar, appearing
for the petitioners.

2. Perused the impugned order dated 21.07.2015 passed
by the Sub-Judge, VII, Motihari in T.S. No. 44 of 1985.

3. From perusal of the impugned order, it appears that
the court below rejected the amendment application finding that at
this stage in the year 2015, the amendment has been filed seeking
for setting aside or declaration with respect to the sale deed of the
year 1934 as fraudulent, forged and fabricated document. It is
admitted fact that in the written statement, which was filed in the
year 1987, defendant clearly stated about the existence of the sale
deed. Now, therefore, the amendment sought for is barred by law
of limitation.

4. It is settled principle of law that if a fresh suit is filed,
which will be barred by law of limitation, no amendment can be

allowed for the same relief. Therefore, the court below has rightly rejected the amendment application. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

brajesh/-

U			
---	--	--	--