

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.565 of 2016**

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Raghu Manjhi & Ors

.... Appellant/s

Versus

Jetha Manjhi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Yadav

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 06-09-2016

Heard the learned counsel for the petitioners.

Perused the impugned order dated 22.06.2007 passed by Sub Judge I, Araria in Title Suit No.177 of 2001 whereby the learned Court below rejected the amendment application filed by the plaintiff-petitioners.

It appears that the plaintiffs-petitioners filed the suit for declaration of title with respect to the suit property. The defendants filed written statement. Thereafter, amendment application was filed by the plaintiffs-petitioners for amendment in the relief portion to the effect that the so called compromise decree in Title Suit No.313 of 1978 is illegal, collusive, forged, fabricated, impersonated, void and voidable paper transaction and is not binding on the plaintiffs.

Admittedly, the suit is of the year 2001. The plaintiff by way of amendment is now praying for a declaration with respect to

a decree passed by the Court of competent jurisdiction in Title Suit No.313 of 1978. Nowhere the plaintiff mentioned that when he came to know about this compromise decree in the suit of the year 1978. On the contrary, the plaintiff in the amendment application clearly pleaded that in the written statement, the defendants raised the issue by compromise decree passed in the aforesaid suit.

Now, therefore, in view of the decision of the Supreme Court, (2016) 1 Supreme Court Cases 332, the amendment admittedly now become time barred, as such, the relief which is being sought to be amended cannot be allowed and, therefore, I find no reason to interfere with the impugned order passed by the Court below.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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