

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12220 of 2013

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1. Asha Singh D/O Late Bhairavi Nandan Singh, Wife Of Sri Rajesh Kumar Singh
Resident Of Mohalla - Rajopatti, Jai Prakash Path, Sitamarhi Town, P.O., P.S. &
District – Sitamarhi Petitioner/s

Versus

1. Most. Saraswati Devi W/O Late Bhairavi Nandan Singh Resident Of Village
And P.O. Kuari Madan, P.S. & Anchal Mejorganj, District - Sitamarhi

2. Most. Lal Mukhi Devi W/O Late Bhairavi Nandan Singh Resident Of Village
And P.O. Kuari Madan, P.S. & Anchal Mejorganj, District - Sitamarhi

3. Sudha Kumari D/O Late Bhairavi Nandan Singh Resident Of Village And P.O.
Kuari Madan, P.S. & Anchal Mejorganj, District - Sitamarhi

4. Smt. Gyan Kala Devi D/O Late Bhairavi Nandan Singh, W/O Dr. Brajesh Kumar
Singh Resident Of Village - Shahpur, P.S. And P.O. Sonbarsha, District - Saharsa

5. Smt. Usha Devi D/O Late Bhairavi Nandan Singh, W/O Sri Shivjee Singh
Resident Of Village - Mamarakhpur, P.O. Sonoul Mohdia, P.S. Mejorganj, District
- Sitamarhi

6. Smt. Suman Devi D/O Late Bhairavi Nandan Singh, W/O Sri Bishwajeet Singh
Resident Of Mohalla - Gopalpur, Main Court Road, Motihari, P.O. & P.S Motihari,
District - East Champaran. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-12-2016

Heard learned counsel for the petitioner.

By the impugned order, the learned court below has
turned down the prayer for amendment in the plaint as made by the
plaintiff-petitioner for incorporation of the relief against gift deeds
of the year 1962 executed in favour of Defendant Nos. 1 and 4.

The matrix of fact discloses that the suit for partition



was filed in the year 2003. It further appears that in the year 2004 the Defendant Nos. 1 and 4 filed their written statement wherein they disclosed the fact pertaining to the said gift deeds of the year 1962 in their favour. The plaintiff ever after such disclosure did not take any step seeking relief against those said gift deeds and it was only on 05.02.2013 that the plaintiff filed the petition for amendment praying for inserting the relief with regard to the said gift deed nos. 2635 of 1962 (Bhairavi Nandan Singh in favour of Most. Saraswati Devi) and 2642 of 1962 (Bhairavi Nandan Singh in favour of Smt. Gyan Kala Devi). The learned court below has taken into notice the said fact and has come to the conclusion that as the plaintiff has the knowledge of the said gift deeds the same is barred by limitation. Learned counsel for the petitioner has not denied that the written statement was filed by Defendant Nos. 1 and 4 in the year 2004 itself wherein the statement has been made disclosing the fact with regard to the aforesaid two gift deeds.

After considering the submissions and perusal of the impugned order, it is demonstrably clear that the relief against the gift deeds, as proposed by the plaintiff to be added by amendment is barred by limitation, in view of the law laid down in the case of L.C. Hanumanthappa Vs. H.B. Shivakumar, 2015 (9) Scale, 277, this Court has not been persuaded to exercise its



jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	26.12.2016
Transmission Date	NA

