

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12113 of 2013

- =====
1. Jamuna Singh Son Of Late Moti Lal Mahto Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur
 2. Bhola Singh Son Of Late Moti Lal Mahto Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur
 3. Barmeshwar Singh Son Of Late Moti Lal Mahto Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur
 4. Bisheshwar Singh Son Of Late Moti Lal Mahto Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur
 5. Sheo Bharosha Singh Son Of Sheo Parsan Mahto Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur
 6. Ravi Nandan Singh Son Of Late Ramjanam Singh Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur
 7. Shri Bhagwan Singh Son Of Late Ramjanam Singh Resident Of Village- Sheo Balak Tola, Police Station- Tiar, District- Bhojpur

.... Petitioners

Versus

1. The State Of Bihar
2. Paras Nath Singh Son Of Late Ram Govind Singh Resident Of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur
3. Jawahar Singh Son Of Late Ram Govind Singh Resident Of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur
4. Rajendra Singh Son Of Late Dina Nath Singh Resident Of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur
5. Vinod Singh Son Of Late Dina Nath Singh Resident Of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur
6. Saroj Singh Son Of Late Dina Nath Singh Resident Of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur
7. Pramod Singh Son Of Late Dina Nath Singh Resident Of Village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 30-09-2016

Heard.

This application has been filed under Article 227 of the
Constitution of India against the order dated 09.04.2013 passed in Title

Suit No. 322 of 2005, whereby the learned Sub-Judge-V, Ara allowed the petition dated 09.04.2013 filed on behalf of the plaintiff/respondent for amendment of the plaint.

Learned counsel appearing on behalf of the petitioners submits that amendment petition has been filed on 09.04.2012 at belated stage only to delay the disposal of the suit through the amendment. The plaintiff also wants to incorporate the suit changing the nature of the suit.

On going through the impugned order, it appears that learned Sub-Judge-V, Ara allowed the amendment petition dated 09.04.2013 arriving at a conclusion that the suit filed by the plaintiff for partition of 1/3rd share the suit property through the amendment the nature of the suit have not been changed and also requires settlement of suit, I find no illegality to interfere with the same in extraordinary jurisdiction under Article 227 of the Constitution of India and, accordingly, the present application is dismissed.

(Rajendra Kumar Mishra, J)

manish/-

U			
---	--	--	--