

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8713 of 2014

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Dev Kumari Devi wife of Sri Bhagwan Singh resident of village Narauli
P.S. Sandesh District Bhojpur.

.... Petitioner/s

Versus

1. Munna Devi wife of Baijnath Singh resident of village Karisath P.S.
Udwant Nagar District Bhojpur.
2. Sudama Singh son of Jagarnath Singh
3. Jai Prakash Singh son of Sudama Singh
4. Sanjay Singh son of Sudama Singh 2,3,and 4 are residents of village
Karisath P.S. Udwant Nagar District Bhojpur.
5. Dhruv Singh son of Jagnath Singh.
6. Gopal Krishna Singh son of Dhruv Singh.
7. Om Prakash Singh son of Dhruv Singh 5,6, and 7 are residents of
village Karisath P.S. Udwantnagar, District Bhojpur.

.... Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

4 29-03-2016 Heard the learned counsel for the petitioner and the

learned counsel for the respondent no. 2.

By the impugned order, the learned court below has
rejected the prayer of the plaintiff for amendment in the plaint.

The facts are not in dispute that the suit for partition
was filed in the year 2005 and the present petitioner was
transposed as plaintiff in the year 2010. The hearing of the suit

commenced long back. When the evidence of the plaintiff was going on the present petition for amendment in the plaint has been filed on 24.07.2013. It appears from the petition for amendment (Annexure-1) that the prayer has been made to amend the plaint by adding a large number of properties and also to amend the relief portions altering the quantum of share of the plaintiff. However, there is no explanation furnished under the petition as to why these amendments were not sought for earlier before the hearing of the suit. There is also no statement that even the facts to be introduced by the amendment were not within the knowledge of the plaintiff. By the impugned order, the learned court below has held that in view of the nature of amendments being comprehensive, the prayer for amendment cannot be allowed once the trial has commenced.

After considering the submissions on behalf of the petitioner, this Court has not been persuaded to find illegality in the impugned order passed by the learned court below requiring interference under Article 227 of the Constitution of India.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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