

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.438 of 2017

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1. Arun Kumar Singh @ Munna Singh Son of Late Ram Lagan Singh
 2. Kumkum Devi Wife of Arun Kumar Singh @ Munna Singh
 3. Rahul Kumar
 4. Rohit Kumar Both Sons of Arun Kumar Singh Resident of Village and Post Office Rasalpur, Police Station Dumra, District Sitamarhi.
 5. Renu Devi Daughter of Late Ram Lagan Singh Wife of Arjun Singh Resident of Village and Post Office Kamalpur, Police Station and District Darbhanga.
 6. Meera Devi Daughter of Late Ram Lagan Singh Wife of Ratneshwar Singh Resident of Village and Post Office Larma, Police Station Muzaffarpur, District Muzaffarpur.

.... Appellant/s

Versus

1. Sunil Kumar Singh Son of Shri Krishna Chandra Singh @ Bachchu Babu
2. Krishna Chandra Singh @ Bachhu Singh Son of Late Ram Lagan Singh
3. Sujit Kumar Singh Son of Krishna Chandra Singh @ Bachhu Singh No. 1 to 3 are Resident of Village and Post Office Rasalpur, Police Station Dumra, District Sitamarhi.
4. Shyama Devi alias Bachchi Devi Daughter of Late Ram Lagan Singh Resident of Village Majhaura, Post Office and Police Station Riga, District Sitamarhi.
5. Mostt. Khushbu Kumari Devi widow of Late Rajiv Kumar Singh alias Ballu.
6. Anshu Kumari Daughter of Late Rajiv Kumar Singh @ Balhu No. 5 and 6 are Resident of Village and Post Office Rasalpur, Police Station Dumra, District-Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Virendra Kumar, Adv.

Mr. Najmul Hoda, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioners.



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

Mr. Hoda, learned counsel for the petitioners has submitted that the incorporation of the relief with regard to the gift deed could not have been allowed as the property subject matter of the gift was not the property involved in the suit and the amendment has been sought for after delay.

After considering the submissions and the perusal of the materials on record, it transpires that the gift deed has been executed with regard to the suit property and the plaintiff has come out with the case that it was through the written statement filed by the defendant that the plaintiff became aware of the said gift deed. The learned court has considered the entire facts and circumstances and thereafter exercised its discretion in favour of the plaintiff in allowing the prayer for amendment. This Court does not find any illegality in passing the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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