

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.577 of 2016

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Chandrika Chaudhary Son of Late Chulahi Chaudhary, Resident of Village- Saraiya
Police Station- Bairiya, District- West Champaran.

.... Appellant

Versus

1. Shankar Mahto son of Late Bichha Mahto.
2. Brijesh Mahto Son of Shankar Mahto
3. Surendra Mahto Son of Shankar Mahto
4. Birendra Mahto, Son of Shankar Mahto
5. Dhurendra Mahto Son of Shankar Mahto all are Resident of Village- Malahi Tola, Post Office- Balua Rampurwa, Police Station Bairiya, District- West Champaran.
6. Getani Devi @ Sonia Devi daughter of Chulahi Chaudhary and Wife of Late Sudama Chaudhary, Resident of Village Malahi tola, Post Office- Dhobni, Police Station- Lauriya, District- West Champaran.
7. Bedami Devi daughter of Chulahi Chaudhary and Wife of America Chaudhary, Resident of Village- Purendarpur, Post Office Kunjalahi, Police Station- Nautan District- West Champaran.
8. Girja Devi daughter of Late Chulahi Chaudhary and wife of Hari Chaudhary resident of Village- Purundarpur, Post Office Kunjalahi, Police Station- Nautan District- West Champaran.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar No.-7
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 03-04-2017

Heard the learned counsel for the parties.

The present application has been filed assailing the order by which the learned court below has rejected the prayer for amendment in the plaint as made by the plaintiff-petitioner.

The learned counsel for the respondents, however, by referring to the Annexure-R/2 in the counter affidavit has pointed



out that by order dated 13.07.2016, the T.S.No.116/2012 has been dismissed for default and as such the present application has become infructuous.

The learned counsel for the petitioner has accepted the said position but submitted that the steps for restoration has been taken by the plaintiff.

In view of the aforesaid submission that the suit has stood dismissed, the present application has definitely become infructuous and is dismissed as such. The dismissal of the present application shall not preclude the petitioner from approaching this Court, if so advised in accordance with law after restoration of the suit.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.05.2017
Transmission Date	

