

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23014 of 2013

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Mahendra Sharma Son Of Late Shyam Bihari Sharma Resident Of Mohalla
- Jadhuha, P.S. Town Hajipur, District Vaishali

.... Petitioner

Versus

1. Nand Kumar Sharma Son Of Sri Ramchandra Sharma Resident Of Mohalla - Jadhuha, P.S. Town Hajipur, District Vaishali
2. Arun Kumar Sharma Son Of Sri Ramchandra Sharma Resident Of Mohalla - Jadhuha, P.S. Town Hajipur, District Vaishali
3. Ramchandra Sharma Son Of Late Shyam Bihari Sharma Resident Of Mohalla - Jadhuha, P.S. Town Hajipur, District Vaishali
4. Kamleshwari Devi D/O Ramchandra Sharma, W/O Mahendra Nath Sharma Resident Of Mohalla - Bagmali, P.S. Town Hajipur, District Vaishali
5. Sushil Kumar Son Of Ramchandra Sharma Resident Of Village - Beni, P.O. Beni, P.S. Pusa, District Samastipur
6. Sudhir Kumar Son Of Ramchandra Sharma Resident Of Village - Beni, P.O. Beni, P.S. Pusa, District Samastipur
7. Manju Devi D/O Ramchandra Sharma, W/O Parshuram Sharma Resident Of Village - Beni, P.O. Beni, P.S. Pusa, District Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 30-11-2017 This application has been filed for quashing the order dated 16.09.2013 passed by Sub Judge-VII, Vaishali at Hajipur in Partition Suit No.175 of 2009. The court below as per impugned order allowed certain amendment in the plaint.

2. Heard learned counsel for the petitioner and perused the record.

3. It appears that the plaintiff filed an amendment petition for impleading the second wife of defendant no.2 and also



deleting para-4 and in its place adding one para as para-4 ka which relates sale deed dated 05.01.2001 which was executed by the father of plaintiff in favour of Musafir Ram and the sale deed dated 08.08.2003 executed by Musafir Ram in favour of Mahendra Sharma and Arun Kumar Sharma who are petitioner and respondent no.2 respectively in the present application. The court below finding the amendment formal in nature allowed the same subject to the payment of cost of Rs.2,000/-. The defendant was given opportunity to amend his written statement and also the liberty to cross-examine the plaintiff witnesses on the point of amendment.

4. In the facts and circumstances as stated above, I do not find any jurisdictional error or illegality in the impugned order. This application is devoid of merit and is dismissed.

(Sanjay Kumar, J)

B.Kr./-

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