

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9605 of 2013

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Mohan Kumar Singh

.... Petitioner/s

Versus

Amar Nath Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 12-09-2017 Heard the learned counsel, Mr. Udit Narayan Singh for the petitioner.

Perused the impugned order dated 10.04.2013 passed by Sub Judge IV, Darbhanga in Partition Suit No.88 of 2010 whereby the learned court below has only allowed the amendment application filed by the plaintiff-respondent.

From perusal of the amendment application, which is Annexure to this writ application, it appears that the plaintiff-respondent filed the aforesaid suit for declaration that the defendants 2nd set had no right, title and interest to sell the property in favour of defendant No.1. However, in the cause title in place of title suit it has wrongly been mentioned as partition suit, therefore, the suit was registered as partition suit. The plaintiff prayed for permission to amend this cause title i.e. from the partition suit to title suit which has been allowed. Therefore,



there is no question of prejudice to the defendant-petitioner arises nor the impugned order occasion failure of justice. Thus, no case for interference in supervisory jurisdiction is made out.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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