

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.781 of 2017

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1. Janki Devi Wife of late Ram Lagan Singh Resident of Village+P.O. - Purkhauli, P.S.- Lalganj, District- Vaishali.
 2. Paro Devi Wife of Sri Kanchan Singh Resident of Village- Katarmala, P.S. Goraul, District- Vaishali.
 3. Hiralal Prasad Singh Son of late Atwari Singh Resident of Village+PO. Senduwari, P.S. Hajipur Sadar, District Vaishali.
 4. Suresh Singh Son of late Ram Bahadur Singh Resident of Village- Chakahmida, P.O. Senduwari, P.S. Hajipur Sadar, District- Vaishali.

... .. Appellant/s

Versus

Smt. Fulmani Devi @ Fulkumari Devi W/o Premchand Singh At Present Residing at Village- Mahua Singhrai, P.O. Mahua, District Mahua, District Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-11-2017 Heard learned counsel for the parties.

2. By the impugned order, dated 03.02.2017, passed by the learned Sub Judge-VI, Vaishali at Hajipur in Title Suit No. 126 of 2013, which is under challenge in the present application under Article 227 of the Constitution of India, an application filed by the petitioners/defendants seeking amendment in the written statement to the extent that the written statement should be treated to have been filed on behalf of the Defendant Nos. 1 and 3 in place of Defendant Nos. 2 and 3 has been rejected.

3. From the impugned order, it appears and which is not in



dispute that the written statement was filed on behalf of Defendant Nos. 2 and 3. Admittedly, the Defendant No.2 was no more on the date of the filing of the written statement. The Court below noticed this aspect . It appears that on the basis of a complaint petition, a case under Section 420 of the Indian Penal Code has been registered and cognizance has been taken.

4. The Court below has recorded that the act of the defendants in mentioning that the written statement was being filed on behalf of Defendant No.2 also could not be said to be simply a mistake. The impugned order, therefore, does not require any interference.

5. Learned counsel appearing on behalf of the petitioners submitted that in that case the Defendant No.1 may be allowed to file his written statement. I need not make any observation on his submission except that if any step is taken for filing of written statement on behalf of Defendant No.1, the Court below shall proceed, in accordance with law.

This application stands dismissed with the observation as above.

(Chakradhari Sharan Singh, J)

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