

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24945 of 2013

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1. Smt. Subhawati Devi, W/O Sheshnath Yadav R/O Village - Pakagawn,
P.O. - Kharpokhara, P.S. - Bagaha, District - West Champaran
2. Smt. Manju Devi, W/O Satish Prasad Gupta R/O Village - Sirsia, P.S. -
Bagana, District - West Champaran

.... Petitioner/s

Versus

1. Premshila Devi W/O Yadalal Parit R/O Village - Narainpur, Ward No. 5,
Nagar Parishad, Bagaha, P.O. - Naraipur, P.S. - Bagaha, District - West
Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
Mr. Vikram Jeet, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-12-2017 This application has been filed to quash the order dated

19.07.2012 passed by learned Subordinate Judge-II, Bagaha (West

Champaran) in Title Suit No.125 of 2010 whereby and

whereunder amendment petition filed by the plaintiff was allowed.

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

3. It appears that the respondent filed the aforesaid suit
on the file of Subordinate Judge, Bagaha for declaration of title
and confirmation of possession over the suit land. The plaintiff-
respondent is purchaser from Bishwanath Kohar, the descendent
of landholder.

4. The defendants, on the other hand, claim title on the
basis of sale deed executed by one of the sharer of landholder. The



plaintiff sold some land in favour of different persons. The plaintiff in order to bring this fact had filed amendment petition to the effect that after transfer of land in favour of different purchasers named in the plaint, the plaintiff has further sold an area of 12 dhoor in northern boundary of Plot No.7 and eastern boundary of Rasta shown in sketch map. The court below as per the impugned order allowed the amendment petition subject to payment of cost of Rs.500/- observing that the proposed amendment is simple in nature and the defendants are not prejudiced by the same.

5. The contention of learned counsel for the petitioners is that the plaintiff has not disclosed the date of sale deed under which she has transferred the land. The proposed amendment does not change the nature of the suit. The court below has rightly allowed the amendment. The petitioner, however, may file an additional written statement only with respect to amended portion of the plaint.

6. In view of the above facts and circumstances, I do not find any merit in this writ application and is accordingly dismissed with the aforesaid observation.

(Sanjay Kumar, J)

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