

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.423 of 2017

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Ramkumar Mahto, Son of Batahu Mahto, resident of village - Sirauli Tole
Ram Nagra, P.S. Riga, District - Sitamarhi

.... Petitioner

Versus

1. Chandrika Prasad,
2. Chandra Bhushan Prasad Sah, Son of Late Rajaram Sah,
3. Most. Bharti Devi, Wife of Lalbabu Prasad,
4. Smt. Malti Devi, D/o Raja Ram Sah, Wife of Bindeshwar Sah,
Respondent No. 1 to 4 resident of village - Sirauli Tole, Ramnagar,
P.S. Riga, District - Sitamarhi
5. Gauri Devi, Wife of Late Sitaram Sah,
6. Ajay Prasad,
7. Sanjay Prasad, Son of Late Sitaram Sah, Respondent No. 5 to 7 resident
of village - Sirouli Tole, Ramnagar, P.S. Riga, District - Sitamarhi
8. Sunita Devi, D/o Late Sitaram Sah, Wife of Ganesh Prasad, resident of
village - Kumna Parsa, P.O. Kumma, P.S. Sursand, District - Sitamarhi
9. Prem Sah,
10. Shambhu Sah,
11. Rikesh Prasad,
12. Mukesh Prasad, Son of Rekha Sah,
13. Most. Ram Dulari Devi @ Ram Dulari, Wife of Rekha Sah, Respondent
No. 9 to 13 resident of village - Sirouli Tole, P.S. Riga, District -
Sitamarhi
14. Kameshwar Singh,
15. Naresh Singh, Son of Late Ramgovind Mahto, Resident of village -
Sirouli, P.S. Riga, District - Sitamarhi
16. Kalawati Devi, D/o Late Ram Govind Mahto, Wife of Mahendra Mahto,
17. Ramjyoti, W/o Mahendra Mahto, D/o Late Ramgovind Mahto, resident
No. 16 & 17 both are resident of Muze + P.O. + P.S. Barhatawa, District
- Sarlahi, Nepal
18. Rajiya Devi, Wife of Ranjit Singh, D/o Late Ram Govind Singh,
resident of village + P.O. Madhubani, P.S. Dumaria, District - Sarlahi,
Nepal
19. Shaila Devi, D/o Late Ram Ram Govind Singh, Wife of Vijay Singh,
resident of village + P.O. Sripurkawaiyya, P.S. Ghorasahan, District -
East Champaran

.... Opp.Parties

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Appearance :

For the Appellant/s : Mr. Alok Kumar Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER



2 16-05-2017

Heard learned counsel for the parties.

The petitioner is the plaintiff in the suit and is aggrieved by the order rejecting his prayer for amendment in the plaint.

The suit has been filed in the year 1995 and it transpires from the impugned order that the evidence of the parties was closed and the plaintiff's evidence was going on on recall. At that stage the plaintiff preferred the amendment in the plaint which has been rejected by the impugned order holding that the amendment would change the nature of the suit and it also involves inclusion of right towards the property of the deceased party.

Considering the submissions and materials available on the records, this Court does not find it a fit case for invoking the jurisdiction under the Constitution of India. Accordingly, this Court declines to interfere with the impugned order and the application is dismissed.

However, the petitioner shall have the right to assail the impugned order if such occasion arises in appeal under Section 105 of the Code of Civil Procedure.

(V. Nath, J)

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