

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.840 of 2016

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1. Udai Shankar Prasad, Son of Late Suryadeo Narain.
2. Veena Kumari wife of Udai Shankar Prasad. Both resident of Village-
Mohanpur, P.O.- Mohanpur, P.S.- Samastipur (Nagar), District- Samastipur.

.... Appellant/s

Versus

1. Pramod Kumar
2. Suboth Kumar, both sons of Baijnath Prasad, resident of Mohalla-
Bahadurpur, Ward No. 26, P.O. & P.S.- Samastipur (Nagar), Distt.-
Samastipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyendra Krishna Prasad

For the Respondent/s : Mr. Pramod Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 04-12-2017 Heard both sides.

The petitioners have filed this Civil Misc. petition against the order dated 14.06.2016 passed by the learned Sub-Judge-III, Samastipur in Title Suit No. 49 of 2014 by which the amendment petition of petitioners/ plaintiffs has been rejected.

The learned counsel for the petitioners submits that petitioners have filed the suit for cancellation of the sale deed executed by the petitioners in favour of the defendants on 28.12.2012 on the ground that part of consideration amount was not paid to the plaintiffs but during the pendency of the suit the plaintiffs again executed a deed of cancellation on 07.07.2014 by which the sale deed dated 28.12.2012 was cancelled and the



plaintiffs want to bring these facts on record by way of amendment after paragraph 13 of the plaint. The learned counsel for the petitioners submits that, of course, the Registrar has got no power to cancel the sale deed but the petitioners only want to bring the facts on record by way of amendment.

I do not find any jurisdictional error in the order of the learned Sub-Judge, rejecting the prayer for amendment of the petitioners/ plaintiffs, as the facts sought to be incorporated by way of amendment is redundant and not at all relevant for the disposal of the suit.

This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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