

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.496 of 2017

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1. Vishwa Nath Chaudhary
2. Raghunath Chaudhary Both Sons of late Bhagwat Choudhary Both
Resident of Village- Gurki , Khararu, P.S. Minapur, P.O.- Turki, Distt-
Muzaffarpur.

.... Petitioner/s

Versus

1. Ram Krishna Sah Son of late Jiyalal Sah Both Resident of Village-
Turki, Khararu, P.S. Minapur, P.O.- Turki, Distt- Muzaffarpur.
2. Nagendra Prasad
3. Ramadhar Prasad
4. Ram Binod Prasad
5. Amod Kumar
6. Pramod Kumar Sons of late Lav Kush Sah All resident of Village-
Sitamarhi, Court Bazar, P.S. Sitamarhi , District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Nandan Sahay

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 04-04-2018 Heard Mr. Ajay Nandan Sahay, learned counsel for the
petitioners.

The petitioners have preferred this civil miscellaneous
petition against the order dated 30.11.2016 passed in Title Suit
No.44 of 2014 by which the amendment of the plaintiff to add
R.S.P. No.4638 in Schedule I of the plaint has been allowed.

The learned counsel for the petitioners submits that
earlier CWJC No.1628 of 2016 was filed for removal of
encroachment from plot No.4638 which is part of the road and the



Collector was directed to initiate encroachment proceeding for removal of encroachment vide order dated 30.11.2016. The plaintiff filed the suit for declaration of right, title over the lands mentioned in Schedule II of the plaint. Since the plaintiff seeks amendment to add Plot No.4638 in Schedule I of the plaint, I do not find any illegality in the order impugned.

Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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