

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.786 of 2017

1. Shyam Babu Singh, Son of Late Sitaram Singh, Resident of Mohalla-Naya Gaon Chaili Tal, P.S.-Alamganj, District-Patna.
2. Ajit Kumar @ nepali Son of Late Ram Babu Singh,
3. Rekha Devi, Wife of Manoj Kumar,
4. Rakesh Kumar, Son of Late Ram Babu Singh,
5. Sanjay Kumar, Son of Late Ram Babu Singh
6. Most. Meena Devi, Wife of Late Ram Babu Singh, Petitioner nos. 2 to 6 Residents of Village/Mohalla-Udrahmpur, P.S.-Mehandiganj, Patna City, District-Patna.

... .. Petitioner/s

Versus

Sri Narayan Pandit Son of Late Prabhu Pandit, Resident of Mohalla-Murtujiganj, P.S.-Mehandiganj, Patna City, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 13-09-2018

Heard Mr. Rajendra Prasad, the learned senior counsel appearing on behalf of the petitioners.

2. The petitioners are the defendants. The plaintiff filed a suit for declaration of title over the suit land mentioned in the Schedule of the plaint by virtue of a Ulfi deed. During the pendency of the suit, the plaintiff filed petition for amendment of the plaint and sought insertion of certain plots in the Schedule of the plaint. By the impugned order, the learned Sub-Judge-III, Patna City allowed the petition of amendment.



3. Being aggrieved by the aforesaid order, the petitioners filed this civil miscellaneous petition.

4. The learned counsel for the petitioners submits that the plaintiff by filing amendment petition inserted new plots and the property and sought declaration of title by virtue of the sale deed executed in the year 1937. The learned Sub-Judge without giving any reason allowed the amendment petition. Of course it appears that the learned Sub-Judge has not assigned any reason in the order impugned but even by a cryptic order, the amendment petition is allowed. In the suit the petitioners-defendants have filed WS but the issues have not yet been settled. Before settlement of issues, the plaintiff filed petition for amendment of the plaint, therefore, I find no jurisdictional error in the order impugned dated 17.12.2016, passed in Title Suit No.112 of 2000 by the learned Sub-Judge-III, Patna City.

5. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
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