

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1 of 2018

- =====
1. Zila Parishad, Saharsa through the D.D.C. cum Chief Executive Engineer, Zila Parishad, Saharsa.
 2. The Chairman, Zila Parishad, Saharsa.

.... Petitioners

Versus

Sri Ram Kripal Panjiyar Son of Late Ganesh Lal Panjiyar a resident of Mohalla - D.B. Road, Saharsa, Ward No. 21, P.O. + P.S. - Saharsa, Distt. - Saharsa.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Nikesh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 02-05-2018

Heard learned counsel for the petitioners.

The petitioners being the Zila Parishad are the defendants in T.S. No.189 of 2013. The plaintiff filed petition on 15.09.2016 and the court allowed the amendment of the plaint on 19.07.2016.

The plaintiff sought declaration of the title and possession over the lands of Schedule-2 of the plaint and area from 10 katha was reduced to 8 katha. The boundary of the land mentioned in Schedule-2 of the plaint has also been allowed to be amended. The plaintiff also made amendment in para-9 of the plaint and stated that Zila Parishad forcibly took possession of 2 katha of land out of 10 katha of land of the plaintiff and the plaintiff forgo the claim over two katha of land and confine his prayer only 8 katha of land.

Learned counsel for the petitioners submits that from the order dated 19.07.2016 it would appear that the plaintiff was not allowed to make amendment in para-9 of the plaintiff but in pursuance



of the order dated 19.07.2016, the plaintiff also made amendment in para-9 of the plaint, which is not in accordance with the order dated 19.07.2016 and for that the petitioners filed petition on 15.09.2016 which was dismissed on 28.07.2017 that the plaintiff did not make any amendment beyond the order dated 19.07.2016. Learned counsel for the petitioners further withdrew my attention towards para-9 of the plaint. It appears from perusal of para-9 as well as order dated 19.07.2016 by which, the amendment petition of the plaintiff was allowed, that the plaintiff made amendment and inserted few lines in para-9 that two katha of land was encroached by Zila Parishad and according to the amendment, he forgave his claim and confined his relief only of 8 katha of land. The plaintiff made only clarifactory statement in para-9 of the plaint and similarly the plaintiff also made amendment in Schedule-II of the plaint. Therefore, I do not find any illegality in the order of the learned Sub-Judge-V, Saharsa.

Accordingly, this Civil Miscellaneous petition is dismissed.

It goes without saying that the defendants if so advised may file additional written statement after amendment of the plaint.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
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