

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1241 of 2016

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Kishun Kumari Devi, widow of Late Durga Shankar Singh, resident of village-Basantpur, P.S. Ara Mufassil, District Bhojpur, at present residing at Mahajan Toli No. 1, P.S. Town (Ara), District Bhojpur.

.... Appellant

Versus

Baijnath Singh son of Late Ram Chandra Singh, at present residing at Mahajan Toli No. 1, P.S. Ara Town, District Bhojpur.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Bhubneshwar Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 14-03-2018

Heard both sides.

The petitioner filed this Civil Miscellaneous petition against the order dated 05.09.2014 passed in Title Suit No.551 of 2012 by Sub Judge-VII, Bhojpur at Ara.

The petitioner/plaintiff filed petition for amendment of plaint as well as addition of party to the case but learned Sub Judge-VII rejected the petition on the ground that the petitioner filed petition for amendment and addition of party in one petition.

Learned counsel for the respondent submits that two prayers are not maintainable in the case.

Having considered the facts, it appears that the learned Sub Judge-VII, Bhojpur at Ara without going into the merit of the



petition for amendment and addition of party, rejected the petition for amendment.

Thus, I find that the order suffers from jurisdictional error. Accordingly, the order dated 05.09.2014 passed in Title Suit No.551 of 2012 is set aside.

The matter is remitted to the Sub Judge-VII, Bhojpur at Ara, to pass order, in accordance with law.

Accordingly, this Civil Miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-03-2018
Transmission Date	NA

