

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19601 of 2010

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Jai Narayan Singh son of late Ram Sewak Singh, resident of mohalla Mahendru (Tikiatoli), PS-Sultanganj, PO-Mahendru, District-Patna.

.... Petitioner/s

Versus

Rajendra Mahto son of late Ram Bhajan Mahton Proprietor "Ashok tailors", resident of mohalla Mahendru (Tikiatoli), PS-Sultanganj, PO-Mahendru, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Adv.

For the Respondent/s : Mr. Shailendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 30-01-2018

This application has been filed to set aside the order dated 25.06.2010 passed by learned Munsif, Patna City in Title Eviction Suit No. 42 of 2001 whereby and whereunder the amendment petition filed by the petitioner was rejected.

2. Heard learned counsels for the petitioner as well as the respondent.

3. The petitioner is plaintiff of Title Eviction Suit No.42 of 2001. He has filed the suit for eviction of defendant on the ground of default in payment of rent. The respondent filed written statement and asserted the title on the basis of unregistered paper alleged to be executed by one Mosmat Sundar Kuer on 15.06.1942. The petitioner wants to add one paragraph denying the document of



defendant. The petitioner further wants to add one more para which relates to court fee. It has been submitted that the defendant has denied the title of the plaintiff and asserted his own title over suit premises on the basis of unregistered paper and so it has become necessary to seek relief of title. The petitioner however has not sought any relief for declaration of his title. He simply wants to deny some of the pleadings of the defendant as set up by him as regards his title. The proposed amendment is a legal aspect relating to title. The plaintiff being landlord has to succeed only on the basis of relationship or landlord and his *prima facie* title. The plaintiff has not sought any relief as regards declaration of title so the proposed pleadings do not help the plaintiff in any way.

4. This application in view of above facts is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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