

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23977 of 2013

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1. Shyam Risi Son Of Late Nanku Risi @ Rajendra Risi Resident Of Village Baniya Patti, P.S. K. Nagar, P.O. Bithnauli, District Purnea
 2. Gobind Kumar @ Gobin Riso Son Of Late Nanku Risi @ Rajendra Risi Resident Of Village Baniya Patti, P.S. K. Nagar, P.O. Bithnauli, District Purnea
 3. Ravindra Kumar Son Of Late Nanku Risi @ Rajendra Risi Resident Of Village Baniya Patti, P.S. K. Nagar, P.O. Bithnauli, District Purnea
 4. Arjun Kumar @ Arjun Risi Son Of Late Nanku Risi @ Rajendra Risi Resident Of Village Baniya Patti, P.S. K. Nagar, P.O. Bithnauli, District Purnea
 5. Most. Sumitra Devi W/O Late Nanku Risi @ Rajendra Risi Resident Of Village Baniya Patti, P.S. K. Nagar, P.O. Bithnauli, District Purnea

.... Petitioners

Versus

Binod Roy Son Of Late Kishnu Roy Resident Of Village Baniyapatti, P.S. K. Nagar, P.O. Bithnouli, District Purnea

.... Respondent

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Appearance :

For the Petitioners : Mr. Abbas Haider, Advocate

For the Respondent : Mr. Ravindra Kumar Choudhary, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 10-01-2018 This application has been filed to set aside the order dated 26.09.2013 passed by learned Munsif, Purnia in Title Suit No.2 of 2010 whereby and whereunder the learned Munsif refused the prayer of the plaintiff to amend the plaint.

2. Heard learned counsel for the petitioners as well as the respondent.

3. It appears that the plaintiff filed the aforesaid Title Suit No.2 of 2010 for declaration that the sale deed dated 03.09.2001 executed by Nanku Risi @ Rajendra Risi in favour of



defendant Binod Roy as forged and fabricated. Subsequently, on the amendment petition of plaintiff, the said date was amended and in its place the date of death was mentioned as 20.08.2001. By second amendment, the plaintiff wants to change the said date of death from 20.08.2001 to 10.02.2001 on the ground that the plaintiff has obtained the death certificate of Nanku Risi. The learned Munsif while rejecting the amendment petition has observed that the petitioners is in habit of taking stand one after the another. The earlier amendment petition which was supported with an affidavit of the plaintiff was allowed and now he filed another petition to amend the plaint. It has been further submitted that the evidence of plaintiff has closed and the case is pending for evidence of defendant. The suit was filed in the year 2010 and after three years, the petitioners filed second amendment petition with respect to the date which was amended on his petition.

4. In view of above facts, I do not find any merit in this application. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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