

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.685 of 2011

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Bitto Sharma @ Bittu Sharma Late Raghunandan Sharma Resident Of
Mauza Saharsa Kayastha Tola Under Saharsa Municipality, P.S & Dist-
Saharsa

.... Petitioner

Versus

1. Jagannath Jha Late Hariballabha Jha Resident Of Saharsa Ward No.-
6/17, P.S & Dist-Saharsa
2. Rohit Kumar Rathaur Sri Rabindra Kumar Singh Resident Of Gangzala,
Saharsa, Ward No.-12 P.S & Dist-Saharsa
3. Renu Devi W/O Bittu Sharma@Bitto Sharma Resident Of Mauza
Saharsa Kayastha Tola Under Saharsa Municipality, P.S& Dist-Saharsa

.... Respondents

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

9 06-02-2018 This application has been filed for setting aside the order

dated 07.04.2009 passed by learned Additional Munsif-IV,

Saharsa in Title Suit No.55 of 2004 whereby and whereunder the

amendment petition for amending the plaint filed on behalf of the

petitioner was rejected.

2. Heard learned counsel for the petitioner as well as the
respondents.

3. It appears that after the closing the evidence of
defendant, the case was fixed for final argument. The petitioner
filed amendment petition for adding one more relief as regards
recovery of possession over the suit land. The court below rejected



the prayer observing that the application has not been filed at the earliest stage. The defendant filed written statement and denied the possession of the plaintiff. The defendant asserted about their possession in their written statement. The issues were accordingly settled and case proceeded for evidence. The court below at the stage of argument has rightly rejected the petition as no explanation or due diligence in filing amendment petition has been shown by the petitioner.

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

(Sanjay Kumar, J)

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