

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19297 of 2010

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Shivji Prasad S/O Late Shirfal Prasad R/O Vill.- Hamindpur, P.S.-
Baikunthpur, Distt.- Gopalganj.

.... Petitioner

Versus

1. Satya Narayan Pandey S/O Raja Pandey R/O Vill.- Hamidpur, P.O.-
Rajapatti, P..S- Baikunthpur, Distt.- Gopalganj.
2. Smt. Bachi Devi W/O Arun Pandey R/O Vill.- Barahima , P.S.- Baraoli,
Distt.- Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
Mr. Bijay Prakash Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

11 22-02-2018 This writ application has been filed to set aside the order dated 07.02.2007 passed by 1st Additional Munsif, Gopalganj in Title Suit No.78 of 2004 whereby and whereunder the petition filed by the petitioner to amend the plaint was rejected.

2. Heard learned counsel for the petitioner and perused the record.

3. The petitioner is plaintiff of Title Suit No.78 of 2004. He has filed the aforesaid suit for declaration of his title over the land mentioned in Schedule I and II of the plaint and for recovery of possession over the land mentioned in Schedule II of the plaint. The plaintiff has sought relief for declaration that the deed of exchange dated 17.10.1985 as void and *ab initio*. After filing of



the written statement, the plaintiff-petitioner filed the amendment petition in order to clarify the nature of possession over the land bearing Survey Plot No.995. The plaintiff wants to delete the words “after survey, the possession of Lalji Pandey over Plot No.995 since 1920”. The plaintiff further wants to deny the statements of defendants made in the written statement. The proposed amendments appear simple in nature and the same do not change the nature of the suit. The case is at initial stage and issues have not been settled.

4. Considering the nature of proposed amendments, the impugned order refusing to amend the plaint is set aside and amendment is allowed. The defendants are at liberty to file additional written statement with respect to amended pleading.

5. This writ application is accordingly allowed.

(Sanjay Kumar, J)

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