

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.431 of 2011

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Most.Chanda Kuer wife of Late Chandrama Singh, R/O Village Chchata Tola Naraili, P.S. Durgawati District - Kaimur (Bhabhua)

.... Petitioner

Versus

- 1(A) Kamala Kuer wife of Late Gama Singh R/O Village Chhata Tola -Naraili, P.S.- Durgawati Dist- Kaimur (Bhabhua)
- (B) Usha Devi W/O Nand Kr. Singh R/O Udhpura, P.S.- Durgawati, Dist.- Kaimur
- (C) Gita Devi W/O Jagadish Singh
- (D) Sharma Devi W/O Santosh Singh
Both resident of Village- Dewakali, P.O.- Mohania, Dist- Kaimur
- (E) Kanchan Devi W/O Tejbahadur Singh, Vill- Raipur, P.O.- Gayghat, P.S.- Jamania, Dist- Gajipur.
- (F) Manoj Devi W/O- Nandlal Yadav, Vill- Dhusaka, P.O.- Daudpur, P.S.- Jamania, Dist- Gazipur(U.P.)
- (G) Anita Devi W/O Satendra Yadav, Vill- Tezpur, P.O.- Gayghat, P.S.- Jamania, Dist.- Gazipur (U.P.)
2. Rama Singh son of Gama Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
3. Kashi Singh son of Gama Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
4. Dharampal Singh son of Gama Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
5. Most. Mandali Kuer wife of Late Lalchand Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
6. Dilip Singh son of Late Lalchand Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
7. Ashok Kumar Singh son of Late Rajnarayan Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
8. Bhola Singh son of Late Ramsevak Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
9. Bansha Kuer wife of Late Chandrika Singh Village Chchata Tola Naraili, P.S. Durgawati District Kaimur (Bhabhua)
10. Dharamdeo Singh son of Late Hari Narayan Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur (Bhabhua)
11. Angad Singh son of Late Hari Narayan Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur Bhabhua
12. Srinivas Singh son of Late Hari Narayan Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur (Bhabhua)
13. Keshav Singh son of Late Hari Narayan Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur (Bhabhua)
14. Phuljhari Kuer wife of Late Harinarayan Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur (Bhabhua)
15. Ram Nivas Singh son of Ganga Dayal Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur (Bhabhua)
16. Ram Avtar Singh son of Ganga Dayal Singh Village Chchata Tola Naraili P.S. Durgawati District Kaimur (Bhabhua)
17. Most Moti Kuer wife of Late Ganga Dayal Singh Village Chchata Tola Naraili



P.S. Durgawati District Kaimur (Bhabhua)

18. Manju Devi daughter of Late Chandrama Singh Village Chchata Tola Naraili
P.S. Durgawati District Kaimur (Bhabhua)

19. Sanju Devi daughter of Late Chandrama Singh Village Chchata Tola Naraili
P.S. Durgawati District Kaimur (Bhabhua)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 13-09-2018

Petitioner before this court is plaintiff of Title Suit No.187 of 2007 pending in the court of learned Subordinate Judge II, Bhabua whereby and whereunder the petition filed by the petitioner was rejected.

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

3. It appears that the petitioner filed the aforesaid suit for partition claiming 1/12 share in Schedule 'Ka', 1/6 share in Schedule 'Kha' of the plaint. The plaintiff claims to be an illiterate widow lady and at paragraph 17 of the plaint she has stated that she had no knowledge about the details of plot number and she reserves right to add plot number at subsequent stage. The petitioner filed an amendment petition before the court below on 10.09.2007 against which the defendant nos.2 and 3-respondents filed rejoinder on 23.05.2008. The main objection of the respondents is that the property



in question is not joint and the plaintiff has not produced any material in support of her amendment.

4. On going through the amendment petition, I find that the petitioner wants to make some correction in the name of parties besides correction of plot numbers and area. The petitioner further wants to add some plots under Schedule ‘Ga’ claiming share to the extent of ¼. The said amendments are formal in nature and these do not change the nature of the suit. The court below has thus erred in observing that the proposed amendments will change the nature of the suit.

5. In view of above facts, the impugned order refusing to amend the plaint is set aside and this writ application is allowed. The respondents are at liberty to file additional written statement with respect to amended plaint.

(Sanjay Kumar, J)

Harish/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.09.2018
Transmission Date	

