

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6131 of 2014

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1. Awadhesh Prasad Mandal S/O Chama Mandal @ Chama Lal Mandal Resident Of Village - Thobail Pargana - Farkiya, P.S. Parbatta, District - Khagaria, At Present Resident Of Village - Gangapur, P.O. Sonamukhi, Gangapur, P.S. Ratwara, District - Madhepura
 2. Shashi Bhushan Mandal S/O Late Chama Lal Mandal Resident Of Village - Thobail, P.S. Parbatta, District - Khagaria
 3. Sunaina Devi W/O Suresh Mandal, D/O Late Chama Lal Mandal Resident Of Village - Parbatta, , P.O. Sahu Parbatta, P.S. Gopalpur, District - Bhagalpur

.... Petitioners

Versus

1. Luri Mandal @ Lahdi Mandal
2. Anrudha Mandal S/O Late Chndradeo Mandal
3. Mahagi Devi W/O Late Umakant Mandal
4. Jitendra Mandal
5. Rajendra Mandal
6. Rijho Mandal
7. Tuntun Mandal All Sons Of Late Umakant Mandal All Are Resident Of Village - Gangapur (Sant Nagar), P.O. Gangapur, P.S. Ratwara (Shah Alam Nagar), Distt. Madhepura
8. Mintu Devi W/O Prakash Mandal Resident Of Village - Ramdiri P.O. Dumara, P.S. Bhawanipur, District - Purnea
9. Usha Devi W/O Srikant Mandal R/O Village - Gangapur Kolbhara Tola, P.O. Gangapur, P.S. Ratwara, District - Madhepura
10. Most. Girja Devi W/O Late Srikant Mandal Resident Of Village - Gangapur (Sant Nagar), Gangapur, P.S. Ratwara (Shah Alam Nagar), Distt. Madhepura
11. Tribeni Mandal S/O Late Rameshwar Mandal Resident Of Village - Thobail, P.S. Parbatta, District - Khagaria
12. Ranjni Devi W/O Ramchandra Mandal Resident Of Village - Tintanga (Gyanidas Tola), P.S. Gopalpur, District - Bhagalpur
13. Nirmala Devi W/O Panchalal Mandal D/O Late Rameshwar Mandal Resident Of Village - Abhiya, P.O. Abhiya, P.S. Gopalpur, District - Bhagalpur
14. Shiv Mandal
15. Subodh Mandal Both Son Of Late Bhumi Mandal
16. Arjun Mandal S/O Late Saryug Mandal All Are Resident Of Village - Gangapur (Sant Nagar), P.O. Gangapur, P.S. Ratwara (Shah Alam Nagar), Distt. Madhepura
17. Bisho Mandal
18. Krishnadeo Mandal S/O Kashi Mandal Both Resident Of Village - Karari, Tintanga, P.S. Gopalpur, District - Bhagalpur
19. Bilakshan Mandal S/O Bauku Mandal Resident Of Village - Nawatolia, P.O. Koiwara, P.S. Parbatta, Distt. Khagaria
20. Damodar Mandal
21. Surya Narayan Mandal
22. Bidyanand Mandal Nati Of Bhagti Devi All Are Sons Of Late Dhanik



Lal Mandal @ Dhaneshwar Mandal Resident Of Village - Nawtolia,
P.O. Kolwara, P.S. Parbatta District - Khagaria

23. Rabindra Mandal

24. Saintu Mandal Minor Son Of Tribeni Mandal, Under The
Guardianship Of Their Father Tribeni Mandal, Father And Natural
Guardian Resident Of Village - Thobail, Pargana - Farkiya, P.S.
Parbatta, District - Khagaria

.... Respondents

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Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate

For the Respondents : Mr. Suresh Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

CAV ORDER

06 -02-2018

7 06-02-2018 The decree holder of final decree case no.01 of 2006/01
of 2003 has filed this application to set aside the order dated
02.02.2013 passed by learned Sub Judge-Ist, Khagaria whereunder
the amendment petition to amend the final decree has been
rejected.

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

3. It appears that the suit of the petitioners was decreed
by the court below against which the respondents have filed an
appeal bearing F.A.No.424 of 2002 which is pending before this
Court. The petitioners filed an amendment petition for amending
the plot number and khata number in the final decree which was
rejected by the court below. The petitioners had filed an
amendment petition vide I.A.No.3358 of 2013 earlier also before
this Court in F.A.No.424 of 2002 which was withdrawn and



disposed of. The petitioners have neither filed the copy of the plaint nor copy of preliminary decree nor the final decree and so it does not appear as to whether the nature of relief would change or not. The petitioners have not stated about the boundary of the land in order to appreciate as to whether the petitioners want to add any different plot or whether he wants to correct the plot number. This application is vague and if allowed the same would prejudice respondents. The learned Execution Munsif has rightly rejected the petition observing that the executing court has no jurisdiction to go beyond the final decree or amend the same particularly when the first appeal is pending before this Court.

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

(Sanjay Kumar, J)

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