

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5468 of 2014

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Shakuntala Devi Wife Of Late Shambhu Narain Thakur Resident Of Village-
Dharharwa, P.S.- Parihar, District- Sitamarhi

.... Petitioner

Versus

1. Ram Kripal Rai Son Of Late Anand Rai Resident Of Village- Shahajauli, P.S.-
Parihar, District- Sitamarhi
2. Lakshaman Sah Son Of Late Ram Lakhan Sah Resident Of Village- Sahajauli,
P.S.- Parihar, District- Sitamarhi
3. Sandeep Kumar Thakur S/O- Late Shambhu Narain Thakur, Resident Of Village-
Dharharwa, P.S.- Parihar, District- Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. ALOK KUMAR JHA, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-04-2018

The petitioner has filed this application for setting aside the order dated 17.01.2014 passed by Additional Munsif-II, Sitamarhi in Title Suit No.52 of 2005. The court below as per impugned order rejected the amendment petition which was filed by the petitioner for some correction in the plaint.

2. Heard learned counsel for the petitioner. Nobody appeared for the respondents.

3. On perusal of amendment petition and impugned order, I find that the petitioner/plaintiff has filed the suit for declaration with respect to sale deed executed by Laxman Sah in favour of defendant no.1 Ram Kripal Rai as void and ineffective. The plaintiff had filed the suit asserting that Ram Briksha Mahto died leaving behind two sons, namely, Anand Mahto and Ram Parikshan Mahto who jointly



inherited the property left by their father including 42 decimals of RSP No.919. After the death of father, both his sons partitioned the land and came in possession over their respective land. Now the plaintiff wants to make correction to this effect that Ram Parikshan Mahto had four sons and the land in dispute was divided in three part. The contesting defendant is purchaser from one Laxman Sah who had purchased the land from the heirs of Ram Briksha Mahto. According to petitioner, he had no knowledge about the genealogical table of the original landlord and so the said fact are necessary to be inserted in the plaint. The other amendments are consequential amendments as regards partition and allotment of land among the heirs of Ram Parikshan Mahto. The trial of the suit is at initial stage. The notice was duly issued and served on the respondents but the respondent did not appear to oppose this writ application. The amendment appears formal in nature and the suit is at initial stage and the trial has not commenced as yet.

4. In view of above facts, the impugned order refusing to amend the plaint is set aside and this writ application is allowed.

B.Kr./-

(Sanjay Kumar, J)

AFR/NAFR	NAFR
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