

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1815 of 2017

1. Bishwanath Singh, Son of Late Mahangu Ahir
2. Surendra Singh, Son of Bishwanath Singh
3. Munna Singh, Son of Bishwanath Singh
4. Saroj Singh, Son of Bishwanath Singh
5. Sonu Kumar, Son of Bishwanath Singh
6. Bittu Kumar Minor
7. Bhola Kumar

Both minor sons of Surendra Singh under the guardianship of their nature father.

8. Ujjwal Kumar
9. Subash Kumar
10. Chotu Kumar

(8-10) are minor sons of Munna Singh under the guardianship of their father namely Munna Singh

11. Amir Chand Singh, Son of Late Mahangu Ahir
12. Sushil Kumar Singh, Son of Amir Chand Ahir

All are residents of Mohalla Nooranganj, Post and P.S. Sasaram, District Rohtash.

... ..Defendants/Petitioners

Versus

1. Ashok Singh, Son of Late Rambelash Singh
2. Mangal Singh, Son of Late Rabelash Singh
3. Sandeep Kumar, minor Son of Ashok Singh through his legal guardian namely Sandeep Kumar his father.

All resident of Mohalla-Nooranganj, Post and P.S. Sasaram, District Rohtash.

... ..Plaintiffs/ Respondents.

4. Shiv Shankar, Son of Late Jangi Singh
5. Rajendra Singh, Son of Shiv Shankar Singh

... ..Defendants/ Respondents

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 07-09-2018

Heard the learned counsel for the petitioners.

2. The petitioners are defendants 1st Set in Title Suit No. 571 of 2015. The plaintiffs filed suit for declaration of title and for partition of the property mentioned in the Schedule of the plaint.



During the pendency of the suit and before commencement of hearing even before settlement of issues, the plaintiffs filed the amendment petition for deleting the names of defendants no.13 and 14 from the cause title and also for deleting certain plots, relief and some paragraphs and the same was allowed by the order impugned.

3. The learned counsel for the petitioners submits that the plaintiffs in collusion with defendant 2nd Set made amendment in the plaint and also wanted to delete certain plots from the suit land. Defendants no.13 and 14 have already filed suit for declaration of title over some lands, which are sought to be deleted from the plaint of the present case, therefore, the learned Sub-Judge has committed jurisdictional error but, I do not find any substance in the submissions of the learned counsel for the petitioners. If the plaintiffs wanted to delete some properties from the suit mentioned in the Schedule, the plaintiffs have got every right not to seek relief for declaration of title and partition with regard to the properties deleted from the Schedule of the plaint. The defendants have got every right to file counter claim or additional Written Statement on deletion of properties from the suit land.



4. Taking into consideration the facts aforesaid, I do not find any merit in this civil miscellaneous petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2018
Transmission Date	NA

