

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21162 of 2013

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Smt. Anita Devi Daughter Of Late Vidya Sagar Rai And Wife Of Sri Manoj Kumar Resident Of Mohalla - Dhobi Tola, P.S. - Danapur, District - Patna At Present Residing At Her Sasurali Place At Mohalla - Sultanpur , P.S. - Danapur District - Patna

.... Petitioner

Versus

1. 1. Deo Raj Kumar Son Of Late Sunita Devi And Sri Deo Chandra Prasad Resident Of Mohalla Sultanpur, Po - Danapur Cantt P.S. - Danapur, Distt - Patna
2. Vikki Kumar Son Of Late Sunita Devi And Sri Deo Chandra Prasad Resident Of Mohalla Sultanpur, Po - Danapur Cantt P.S. - Danapur, Distt - Patna
3. Sujata Kumari Daughter Of Late Sunita Devi And Sri Deo Chandra Prasad Resident Of Mohalla Sultanpur, Po - Danapur Cantt P.S. - Danapur, Distt - Patna
4. Tannu Kumari Daughter Of Late Sunita Devi And Sri Deo Chandra Prasad Resident Of Mohalla Sultanpur, Po - Danapur Cantt P.S. - Danapur, Distt - Patna
5. Deo Chandra Prasad Son Of Late Sheo Prasad Rai Resident Of Mohalla Sultanpur, Po - Danapur Cantt P.S. - Danapur, Distt - Patna
6. Smt Kiran Devi Wife Of Late Nandu Rai At Present Resident Of Mohalla - Jai Ram Bazar Khagaul, P.O. & P.S. Khagaul, Dist - Patna
7. Smt. Rekha Devi Wife Of Sri Bharat Singh Keshari Resident Of Mohalla - Jai Prakashpur, Po - Noorsarai, P.S. Biharsharif, Dist Nalanda At Present Residing At Mohalla Sultanpur, P.O. - Danapur Cantt, P.S. Danapur, Dist - Patna
8. Smt Archana Kumari Daughter Of Sri Vidya Sagar Rai, Wife Of Sri Sidharth Kumar (S/O Dr. Arbind Kumar) At Present Resident Of Mohalla - Industrial Area Opposite Audyogik Thana In The Gali P.S. - Audyogik Thana Hajipur, P.O. - Hajipur District - Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Rama Kant Jha, Advocate
For the Respondents 1 to 2 : Mr. Manoj Kumar Ambastha, Advocate
For the respondents 7 to 8 : Mr. Sandeep Kumar, Advocate
Mr. Vivekanand Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 10-01-2018 This application has been filed to set aside the order dated 22.08.2013 passed by learned Sub Judge-I, Danapur in Title



Suit No.08 of 2005 whereby and whereunder the petitioner petition filed under Order VI Rule 17 read with Section 151 of the CPC to amend the plaint has been rejected.

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

3. It appears that the petitioner filed a Partition Suit No.08 of 2005 against the respondents for partition of suit property claiming 1/5th share in the schedule I to IV of the plaint. The said suit after contest was decreed and a preliminary decree was passed on 24.02.2009. The matter is pending for preparation of final decree. In course of hearing, the plaint was amended and item no.v and vi were added in the schedule of plaint on 15.01.2009. The suit was decreed and plaintiff was found entitled to 1/5th share in the suit property. The total area of item no.v was mentioned as one katha. Now he wants to change the said area by mentioning two kathas. Besides that the plaintiff wants to change the boundary of item no.vi. The learned counsel for the respondents submitted that the plaintiff/her mother had filed a Title Suit No.202 of 2003 for the said land of item no.v and the said suit was dismissed. The decree has already been passed with respect to land and the area which were sought to be partitioned. The plaintiff now wants to add some more land with respect to



which the suit has already been dismissed. As such, the court below has rightly refused to amend the plaint with respect to the matter which has already been adjudicated and decided much earlier.

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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