

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4310 of 2011

=====

1. Bindeshwar Rai Son of Mansi Rai, Resident of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.

.... Petitioner

Versus

1. Ram Nath Rai Son of Late Bijuli Rai, Resident of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.
2. Prabhu Rai Son of Late Bijuli Rai Resident Of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.
3. Binda Rai Son Of Mansi Rai Resident Of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.
4. Pundeo Rai Son Of Mansi Rai Resident Of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.
5. Surendra Rai Son Of Late Dhorah Rai Resident Of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.
6. Mandeo Rai Son Of Late Dhorah Rai Resident Of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.
7. Chandradeo Rai Son of Late Dhorah Rai Resident of Village-Bans Ghat, Mansuria, P.O.-Mahrani, P.S. Mohammadpur, District-Gopalganj.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 07-02-2018 This writ application has been filed for setting aside the order dated 19.01.2011 passed by learned Subordinate Judge-VII, Gopalganj in Title Suit No.28 of 2005 whereby the amendment petition filed by the plaintiff for amending the plaint was allowed subject to payment of cost of Rs.250/- with liberty to the defendants to take step in its rebuttal, if he so desires.

2. Heard and perused the record.

3. It appears that respondents 1st party filed the



aforesaid suit for partition of their land as mentioned in Schedule of the plaint. By filing amendment petition, the plaintiffs have prayed to delete and add some words. The plaintiffs further want to amend the relief portion by mentioning that the plaintiffs are entitled to 12 anna 9 pie 12 kranth and defendants to the extent of 3 anna 2 pie 8 kranth. Both the parties have already adduced evidence. The amendment which has been allowed by the court below is simple in nature and does not change the nature of the suit. The plaintiffs are entitled only to legal share which has to be decided after adjudication of issues involved in the case. The court below has not committed any jurisdictional error in allowing the amendment.

4. In view of the above facts and discussions, I find no merit in this writ application. This application is accordingly dismissed.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

