

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12427 of 2010

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Dharmesh Prasad Verma S/o Late Amresh Prasad Verma, resident of village
D.K.Shikarpur, P.S.- Shikarpur, Distt.- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar Through The Law Secretary, Govt. of Bihar, Patna
2. Bhagirath Prasad S/o Govind Ram, resident of Mohalla- Amalapath Town, Motihari, P.S.- Motihari, Distt.- East Champaran
3. Ram Dayal Prasad S/o Govind Ram, resident of Mohalla- Amalapath Town, Motihari, P.S.- Motihari, Distt.- East Champaran
4. Pramod Kumar Jaiswal S/o Rajendra Prasad Jaiswal, resident of Patjirwa, P.S.- Chiraiya, C/o Jangali Prasad, Vill.- Patjirwa, P.S.- Chiraiya, Distt.- East Champaran
5. Malti Devi W/o Shyam Narain Lal resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali
6. Jagat Mohan Lal S/o Shyam Narain Lal, resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali
7. Amar Nath Jaiswal S/o Shyam Narain Lal, resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali
8. Ravindra Kishore S/o Shyam Narain Lal, resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali
9. Dip Narayan Jaiswal S/o Shyam Narain Lal, resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali
10. Raj Narayan Jaiswal S/o Shyam Narain Lal, resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali
11. Shankar Jaiswal S/o Shyam Narain Lal, resident of Mohalla- Hajipur Town, Masjid Chowk, P.S.- Hajipur, Distt.- Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Varma, Adv.
For the Respondent/s : Mr. Ram Sumiran Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 17-09-2018

Petitioner before this Court is defendant in Title Suit
No.63 of 1987. He has filed this writ application for quashing the
order dated 15.04.2010 passed by Additional Munsif-VI, Motihari,
East Champaran whereby and whereunder the amendment petition



filed by respondents-plaintiffs was allowed.

2. Heard learned counsels for the petitioner as well as the respondents and perused the record.

3. It appears that the respondents filed the aforesaid suit for declaration of their title and confirmation of possession over the suit land. The defendant appeared and filed his written statement. The respondents raised objection to this effect that the suit is bad for defect of parties. After settlement of issue, when the case was pending for evidence, the plaintiffs-respondents filed an amendment petition for impleading some of the brothers of defendant no. 1 as party to the suit, which was allowed as per order dated 15.09.2010. The main grievance of the petitioner is that the suit was filed in the year 1987 and the defendant filed his written statement on 21.05.1988. The petitioner in spite of objection raised by the respondents did not implead the brothers of defendant no. 1 as party to the suit immediately rather the plaintiffs filed an amendment petition after delay of 21 years and so court below has erred in allowing the amendment petition.

4. On going through the impugned order and documents on record, I find that the suit is at initial stage. After framing of issue, the evidence has not commenced. The respondents-plaintiffs filed an amendment petition on the objection of defendant



that the suit is bad for defect of parties. The court below in order to finally adjudicate the dispute and also in order to avoid multiplicity of the suit, has impleaded the family members of defendant (petitioner) as party to the suit. The said order does not prejudice the defendant in any way in view of the fact that the trial has not commenced.

5. In view of above discussions, I find no reason to interfere with the impugned order. This writ application being devoid of merit is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29/09/2018
Transmission Date	N/A

