

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9541 of 2013

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1. Girish Kumar Jha S/O Ramakant Jha, R/O Village- Mau Serpur Pegana Saraisa, P.S.- Bidyapatinagar, Sub Division- Dalsingsarai, Distt.- Samastipur.

.... Petitioner

Versus

1. Laxmi Devi W/O Tarakant Thakur @ Babu Dai Devi R/O Village-Pawra, Pargana Bhusari, P.S.- Cheria Bariarpur, Sub-Division- Manjaul, District- Begusarai.
2. Chandan Kumar S/o Late Bacchi Devi
2(i) Rekha Devi
2(ii) Punita Devi, Both D/o Late Bachi Devi
2(iii) Umesh Chandra Thakur Husband of late Bacchi Devi, All residents of Village-Pawra, Pargana, Bhusari, P.S. Cheria, Bariarpur, Sub-Division- Manjhaul, Distt- Begusarai.
3. Suman @ Sudama Devi W/o Jatashankar Thakur
4. Meena Devi W/o Nagendra Pathak, All are R/O Village-Pawra, Pargana Bhusari, P.S.- Cheria Bariarpur, Sub-Division- Manjaul, District- Begusarai
5. Chandra Kashi Devi W/o Ramakant Jha, R/O Village- Mau Serpur, Pargana- Saraisa, P.S.- Bidyapatinagar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra, Advocate
For the Respondent/s : Mr. Bishwa Nath Choudhary, Advocate
Mr. Shiv Pratap Chanchal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 07-02-2018 This writ application has been filed for setting aside order dated 20.02.2013 passed by Subordinate Judge-IV, Begusarai in Title Suit No.163 of 2006 whereby and whereunder the amendment petition filed by the petitioner for amending the written statement was rejected.

2. Heard both sides and perused the record.

3. The petitioner is defendant of Title Suit No.163 of 2006. The respondents 1st party filed the aforesaid suit for



declaration of the deed of gift dated 14.07.2000 as a fraudulent document and further that the defendant no.1 has not derived any right, title or interest over the suit property on the basis of said deed of gift. After filing of written statement by defendants, issues were settled on 09.04.2010. The plaintiffs examined the witnesses and their case was closed on 08.03.2011. On the date of closing of the evidence of plaintiffs, the defendant (petitioner) filed an amendment petition for amending the written statement. The court below rejected the said petition observing that the said amendment petition has been filed after a long delay without any plausible explanation.

4. On perusal of amendment petition, I find that most of the amendments are exhaustive. However, amendment sought at paragraph 3 (a) which relates to line no.10 of page 5 and 4th line of page 5 of the written statement are simple and appears to be typographical error. The other amendments are touching the merit of the case. The defendant wants to introduce new facts which are prejudicial to the plaintiffs as the amendment petition has been filed after closing the case of plaintiffs.

5. In view of above facts, the amendment as sought for in paragraph 3(a) and amendment made at paragraph 3(b) relating to only 4th line of page 7 of written statement substituting the word



“his” by “her” are allowed. The remaining amendments which are very exhaustive, have rightly been refused and the same does not require any interference.

6. With the above observation, this writ application is disposed of.

(Sanjay Kumar, J)

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