

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5117 of 2014

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Akwal Khan Son Of Late Muzaffar Khan @ Lal Babu Resident Of
Mohalla - Chikpatti, P.O. Motihari, P.S. Motihari Town, District - East
Champaran

.... Petitioner

Versus

1. Bibi Kamrudin Khanam Wife Of Md. Rezul Khan
2. Baraktullah Khan Son Of Hidayat Khan
3. Abdullah Khan Son Of Hidaytullah Khan
4. Bibi Kamrunesha Khanam Wife Of Late Md. Hidayatullah Khan All 1
To 4 Are Resident Of Mohalla - Pathanpatti, P.O. Dariyapur, P.S.
Harsidhi, District - East Champaran
5. Sheema Afzal Khanam Wife Of Nazmul Hoda Khan, Daughter Of Late
Hidayatullah Khan Resident Of Dariyapur, P.S. Sangrampur, District -
East Champaran
6. Noor Afzal Khanam Wife Of Motim Hoda, Dokhtar Late Hidayatullah
Khan Resident Of Mohalla - Samanpura, P.O. & P.S. Patna, District -
Patna
7. Isra Rahim Khanam Wife Of Late Shanid Ali Khan, Daughter Of Late
Hidayatulla Khan Resident Of Imarat Manzil, P.S. Gandhi Maidan,
District - Patna
8. Gushara Khatoon Wife Of Dr. Imran Khan, Daughter Of Md.
Hidayatullah Khan Resident Of Khajanchi Hat, P.S. Khajanchi Hat,
P.O. Khajanchi Hat, District - Purniya

.... Respondents

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Appearance :

For the Petitioner : Mr. Arbind Kumar Sharma, Advocate
For the Respondents : Mr. Raghbir Ahshan, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

8 05-03-2018 This application has been filed to set aside the order

dated 28.01.2014 passed by Sub Judge-VII, Motihari in Title Suit

NO.524 of 2008 whereby and whereunder the amendment petition

filed by the defendants was allowed.

2. Heard learned counsel for the petitioner and the
respondents.

3. The petitioner is plaintiff of Title Suit No.524 of
2008. He has filed the suit for declaration of his title and



confirmation of possession and also for declaration that the sale deed dated 21.08.1948 is not binding on the plaintiff besides some other ancillary reliefs. The defendants filed written statement and denied the allegation made in the plaint. The defendants filed amendment petition for adding some facts at the end of para-11 of the written statement. The said facts relate to transfer of land by Kulsum Badi and her mother. The defendants further added that they had mortgaged some land in favour of bank and further that Kulsum Badi and after her death, the husband and her heirs executed sale deeds in favour of several persons with respect to the land covered by Wakf deed dated 12.02.1916. The defendants by said amendment want to demolish the case of plaintiff which relate to documents which were executed by Kulsum Badi , her mother and other legal heirs. The court below considering these amendments as simple in nature has rightly allowed the same subject to payment of cost of Rs.400/-. The case is at initial stage as the evidence has not commenced.

4. In view of the above facts, I do not find any merit in this application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

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