

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15950 of 2014**

**In**  
**Civil Revision No.1329 of 2008**

- 
- 
1. Ganga Prasad Poddar @ Gana Prasad Poddar son of late Rambhej Poddar.  
2. Daya Sindhu Poddar son of Ganga Prasad Poddar  
3. Brij Mohan Kumar Poddar @ Braj Mohan Poddar son of Ganga Prasad Poddar.  
All residents of village-Mokhtiyarpur Salkhani, Tola-Babupur, PS-Dalsingsarai, PO-Chakbahauddin, Distt.-Samastipur.

... .. Petitioner/s

Versus

Sudama Devi & Ors

... .. Respondent/s

---

---

**Appearance :**

For the Petitioner/s : M/s Arvind Kumar and S.J. Thakur, Advs.  
For the Respondent/s : None

---

---

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL JUDGMENT**

**Date : 03-12-2018**

Plaintiff of Partition Suit No. 60 of 1994/300 of 2007

pending in the court of Sub-Judge-I, Dalsingsarai, Samastipur has filed this writ application for quashing the order dated 03.06.2008 whereby and whereunder his prayer to amend the plaint was rejected.

2. Heard learned counsel for the petitioner. Nobody appeared for the respondents.

3. It appears that the plaintiff filed the aforesaid suit for partition claiming 3/8th share in the land mentioned in schedule 1 and 1(ka) of the plaint. The defendants filed written statement. After filing of written statement, the plaintiff filed amendment



petition which after hearing was rejected. The petitioner-plaintiff by proposed amendment wants to add some land which was purchased in the name of his wife. He further wants to add some averment with respect to land sold by him to different persons. The suit is at initial stage and if amendment is allowed, it will not change the nature of the suit.

4. In view of above facts, the impugned order dated 03.06.2008 refusing to amend the plaint is set aside and this writ application is allowed.

(Sanjay Kumar, J)

mkchy/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 04.12.2018 |
| Transmission Date | N/A        |

