

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20456 of 2013

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1. Shivan Sao Son of Late Laxman Sao, Resident of Mohalla Mahalpur,
P.O. Bihar Sharif, P.S. Bihar Sharif, District Nalanda.
2. Bablu Kumar Son of Shivan Sao, Resident of Mohalla Mahalpur, P.O.
Bihar Sharif, P.S. Bihar Sharif, District Nalanda.

.... Petitioners

Versus

1. The State of Bihar, through District Magistrate, Nalanda.
2. The Superintendent of Education, Nalanda.
3. The Circle Officer, Bihar Sharif, Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, A.C. to S.C.4
Mr. Sushil Kr. Mallick, A.C. to S.C.4

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 13-02-2018 This writ application has been filed by the plaintiffs of Title Suit No.254 of 2010 for quashing the order dated 05.08.2013 passed by learned Subordinate Judge-VII, Bihar Sharif (Nalanda) whereby and whereunder the amendment petition for amending the plaint was rejected.

2. Heard learned counsel for the petitioners as well as the respondents.

3. It has been submitted that the suit has been filed against the State of Bihar and government officials. The plaint was drafted in haste and so the genealogical table and some necessary facts could not be inserted in the plaint. Besides that, during the pendency of the suit, the government constructed two rooms over



some portion of suit land and so on account of subsequent event, the plaintiffs want to reduce the area of suit land. It has further been submitted that the suit is at initial stage of trial as the evidence has not commenced.

4. The learned counsel for the respondent-State, on the other hand, opposed the submission. It has been submitted that the amendment petition has been filed at a belated stage and so the court below has rightly rejected the prayer.

5. On perusal of amendment petition which is annexed with the application, I find that the plaintiffs simply want to add genealogical table and mention area of suit land. These amendments appear simple in nature and do not change the nature of the suit. The impugned order, in the facts and circumstances, is set aside and the amendment as prayed for by the petitioners is allowed. The defendants are at liberty to file additional written statement to the extent of amended plaint.

6. This writ application is, accordingly, allowed.

(Sanjay Kumar, J)

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