

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8170 of 2012

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Md. Shamim Ahmad S/o late Shah Bahidul Haque @ Badhu Shah Resident of Village- Gorour, P.S. Chhabilapur, District- Nalanda.

.... Petitioner/s

Versus

1. Most Rukhsana Khatoon Widow of Sultan Ahmad
2. Md. Mannan @ Mister
3. Md. Rizwan Ahmad
4. Md. Irfan Ahmad
5. Md. Imran Ahmad
6. Md. Shabbir Ahmad Sons of Sultan Ahmad
7. Md. Faisal Ahmad @ Farooq
8. Md. Farhan Ahmad
9. Md. Salman Ahmad Minor sons of Sultan Ahmad, , under the guardian-ship of their mother Most. Rukhsana Khatoon
10. Soni Parveen
11. Moni Parveen Daughters of Sultan Ahmad
12. Rubina Parveen
13. Sheema Parveen
14. Simran Parveen Minor daughters of Sultan Ahmad, under the guardian ship of their mother Most. Rukhsana Khatoon All Residents of Village- Gorour, Police Station- Chhabilapur District- Nalanda at Present residing at Mohalla- Mirdad, Police Station- Bihar Sharif, District- Nalanda.
15. Asma Khatoon widow of late Md. Muslim , D/o late Shah Bahidul Haque @ Badhu Shah Resident of Village- Ghughri Tand, Town- Gaya, Police Station- Civil Line, Gaya, District- Gaya.
16. Bibi Nuraisa Khatoon W/o Md. Jamaluddin and D/o late Shah Bahidul Haque @ Badhu Shah Resident of Village- Wen, P.S. Silao, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate
Mr. PRAMOD KUMAR, Advocate

For the Respondent/s : Mr. Khatim Reza, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 17-07-2018



The petitioner is defendant of Title Suit No.145 of 2000 pending in the Court of Sub Judge-II, Nalanda at Biharsharif. He has filed this application for quashing the order dated 15.12.2009 whereby and whereunder the amendment petition filed by defendant to amend the written statement was rejected.

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

3. The suit was filed by father of this petitioner for cancellation of deed of gift executed by him in favour of this petitioner. During the pendency of the suit, the original plaintiff died and one of his sons was substituted. This petitioner appeared and filed written statement on 21.04.2008. Subsequently he filed an amendment petition to add few words to this effect that they partly admit and partly deny the statement made by the plaintiffs at paras-1 and 2 of the plaint. The petitioner further prayed to delete the word 'House' from 3rd and 4th line of para-12 of the written statement. The said amendment was filed immediately after filing of their written statement. From submission of learned counsel for the petitioner, it appears that the plaintiffs have examined some of the witnesses. The present amendment appears formal in nature and if allow it would not cause any prejudice to the respondent plaintiff as the suit is at initial



stage of hearing.

4. Considering the nature of proposed amendment, the order dated 15.12.2009 is set aside and this writ application is allowed subject to payment of Rs.2,000/- payable to the plaintiff before the court below. The court below is directed to give liberty to the plaintiff to rebut the amended written statement of defendants if so advised.

5. This application is accordingly allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.07.2018
Transmission Date	N/A

