

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6858 of 2015

1. Shiv Kailash Sah,
2. Bishesar Sah @ Bisheshwar Sah
3. Nagesar @ Nageshwar Sah All sons of Raghunandan sah,
resident of village- Mogal Biraicha, P.S.- Barauli, District-
Gopalganj

... .. Petitioner/s

Versus

Bharat Sah son of Motar sah, resident of village- Manjhagharh, P.S.- Barauli,
District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Janardan Prasad Singh, Sr. Advocate Mr. Dipak Kumar, Advocate
For the Respondent/s	:	Mr. Dhananjay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 26-11-2018

Petitioners have filed this writ application for quashing the order dated 09.01.2015 passed by Additional District Judge-Ist, Gopalganj in Title Appeal No.95 of 2011 whereby and whereunder the prayer of the petitioners who was defendants before the court below to amend the written statement has been rejected.

2. Heard learned counsel for the petitioners and the respondent.

3. The respondent filed Title Suit No.150 of 1992 before the court of Munsif, Gopalganj which on contest was decreed. These petitioners filed Title Appeal No.95 of 2011 and during the pendency of said appeal, these petitioners filed an



amendment petition praying therein to amend the written statement which has been rejected by the court below.

4. On going through the averments made in the plaint and written statement, it appears that the respondent filed the aforesaid suit for declaration of his title over the land mentioned in schedule-1, 2 and 3 of the plaint. In the plaint, the respondent has mentioned plot no.923 and 924 in all the schedules. The defendants filed written statement wherein at para-12 has stated that on account of mistake on the part of scribe, plot no.923 as well as boundary was inadvertently mentioned in the gift deed in place of plot no.924. This statement shows that the defendant has already taken the plea of mentioning of plot no.923 in place of plot no.924. The court below in view of above fact has rightly refused to allow the amendment.

5. In view of above discussions, I do not find any merit in this writ application. Accordingly, this application is dismissed.

B.Kr./-

(Sanjay Kumar, J)

AFR/NAFR	NAFR
CAV DATE	N/A
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