

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.599 of 2017

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1. Sanjay Singh Son of Yugeshwar Singh
2. Smt. Meena Devi Wife of Sanjay Singh Both Resident of Village-
Rasulpur Korigan, P.S. Goroul, District- Vaishali.

.... Appellant/s

Versus

1. Vakil Singh Son of late Deena Singh Resident of Village: Rasulpur
Korigaon, P.S. Goroul, District- Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarendra Nath Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 27-07-2018

Heard learned counsel for the petitioners.

The petitioners have filed this Civil Misc. petition against order dated 06.03.2017 passed in Title Suit No. 923 of 2014 by which learned Court below allowed the petition of the plaintiff to amend the plaint and the prayer portion with regard to the fact that defendant fraudulently got the sale deed executed in his favour from Mostt. Rajmahal Devi and to set aside the sale deed.

The learned counsel for the petitioners submits that the nature of the suit would change by amending the plaint but I find no substance in the submission of the learned counsel for the petitioners. The plaintiff immediately after filing the written



statement filed by the defendant came to know that Rajmahal Devi executed sale deed in favour of defendant Vakil Singh and thereafter the plaintiff filed petition for amendment with regard to the sale deed and also wanted to amend the prayer portion.

Issues have not been framed as yet. The learned Sub Judge has rightly allowed the amendment petition as the same is necessary for the determination of the dispute between two sides.

Thus I do not find any illegality or jurisdictional error in the impugned order. This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/Rajan

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