

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.940 of 2017**

Bikau Singh @ Biku Singh & Ors

... .. Appellant/s

Versus

Banshi Singh & Ors

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-04-2018 Heard the learned counsel for the petitioners and the
learned counsel for respondent No.2 and 8.

The petitioners have filed this petition against the order dated 16.03.2017 by which the petition of petitioners filed under Order 6 Rule 17 of the Code of Civil Procedure to amend the plaint and relief portion by adding that defendants by playing fraud got a deed of sale executed in the name of Banshi Singh and his son, plaintiff No.1 in the year 1981 and 1992 to be declared as inoperative and without consideration.

Admittedly, the suit was filed in the year 2005 but the plaintiff admitted the execution of the sale deed in the year 1981 and 1992 but did not seek any relief for setting aside the sale deed. Only on 15.09.2015 the petitioners filed petition for amendment of plaint and for adding the relief. The relief itself is barred by law of limitation. The learned court below has rightly



rejected the amendment petition.

Having considered the facts aforesaid, I do not find any merit in this Civil Misc. petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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