

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2702 of 2011

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Awadesh Singh & Ors.

.... Petitioner/s

Versus

Smt.Krishna Devi & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Dipak, Adv.

For the Respondent/s : Mr. Naresh Nandan, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 11-04-2018

This application has been filed for setting aside the order dated 16th April 2008 passed by Sub-Judge-VI, Gaya in Title Suit No.78 of 2001/253 of 2001. The court below as per impugned order rejected the amendment petition of this petitioner which was filed for amendment of plaint.

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

3. The original plaintiff, Parvati Devi (since dead) filed the aforesaid suit for declaration that six sale deeds executed by her on 30/08/2001 in favour of the defendants-respondents as void, *ab initio*, illegal, without consideration and not binding upon her. The defendants appeared and contested the suit. During the pendency of the suit, the original plaintiff sold the suit land to these petitioners by executing five registered sale deeds dated 26.04.2004. The plaintiff



did not disclose about the pendency of title suit while executing six sale deeds in favour of the defendants. The petitioners intervened and were impleaded as co-plaintiffs in the said suit. The original plaintiff in the meantime died and these petitioners are prosecuting the suit. The petitioners filed a petition for amendment of plaint for adding two paragraphs as para 7/a and 7/b which are as follows:-

“proposed amendment

7A - That during the pendency of the suit, the original plaintiff Smt. Parwati Devi @ Parwati Kuer since dead transferred her entire interest and ownership and possession to the entire suit land to these co-plaintiffs under five registered sale deeds dated 26.04.2006 and these co-plaintiffs paid the entire consideration according to sale deeds before her execution of the said documents and she admitted the execution of the five sale deeds and received the entire consideration at the time of execution of the deeds and deeds were registered by the Registrar, Gaya.

7B - That these co-plaintiffs fully support the contention of original plaint which the co-plaintiffs believes to be true.”

4. These petitioners were impleaded as co-plaintiffs on the basis of five registered sale deeds which were executed by original plaintiff in favour of these petitioners. This fact has not been denied by the respondents. The petitioners have not sought any relief with respect to their own documents rather they have adopted the entire



case of original plaintiff. These amendments appear simple in nature and do not change the nature of suit.

5. In view of above facts, the impugned order is set aside and the amendment petition filed by these petitioners is allowed.

6. This application is accordingly allowed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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