

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4356 of 2014

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Jauwad Siddique Son Of Late Nazir Mian Resident Of Village Haihans
Tola, Khodaibari, P.S. Hussainganj, District Siwan

.... Petitioner

Versus

1. Vijay Raut
2. Dhananjay Raut
3. Sunil Raut All Are Sons Of Lakhan Ram Resident Of Village Gopalpur,
P.O. Bakarganj, P.S. Hussainganj, District Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Udit Narayan Singh

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 29-01-2018 This application has been filed to set aside the order dated 04.01.2014 passed by Sub Judge-VII, Siwan in Title Suit No.781 of 2009 whereby and whereunder the prayer of the petitioner to amend the written statement was partly allowed subject to payment of cost of Rs.1,000/-. The grievance of the petitioner is that the other two amendments were also simple in nature and so the court below ought to have allowed the said amendment.

2. Heard learned counsel for the petitioner.

3. The respondent Ist party filed Title Suit No.781 of 2009 on the file of Sub Judge-Ist, Siwan for declaration of their right of title over the land mentioned in schedule-2 of the plaint.



The petitioner claims to be purchaser of suit property by virtue of registered sale deed executed by the father of respondents who is defendant before the court below. It has been submitted that the vendor of this petitioner in order to grab the land of this petitioner has got the present title suit filed through his sons. The plaintiffs are in collusion with their father. By proposed amendment, the petitioner wants to delete the statement made in paras-9 and 19 of their written statement which appears to be formal in nature.

4. In view of the above facts, the impugned order dated 04.01.2014 refusing to delete paras-9 and 19 of the written statement is set aside and amendment petition filed by the petitioner is allowed.

5. This application is accordingly allowed.

(Sanjay Kumar, J)

B.Kr./-

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