

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19397 of 2014

1. Raghunath Thakur Son of Ram Lakshman Thakur
2. Chandra Bhushan Thakur Son of Late Shatrughan Thakur Both residents of Mauze Malipur Pakri, P.S. - Sitamarhi, Sub Division - Sitamarhi Sadar, District - Sitamarhi

... .. Petitioner/s

Versus

1. Ramadin Pandey @ Ramdavan Pandey Son of Late Siyasharan Pandey Alias Siya Sharan Prasad Resident of Mauze Malipur Pakri, P.S. - Sitamarhi, Sub Division - Sitamarhi Sadar, District - Sitamarhi
2. Amar Nath Pandey
3. Sanjay Kumar Pandey All sons of Shri Ramadin Pandey Residents of Mauze Malipur Pakri, P.S. - Sitamarhi, Sub Division - Sitamarhi Sadar, District - Sitamarhi
4. Rupam Devi Wife of Vipin Singh, Daughter of Deep Narayan Singh Resident of Athari Gargata, P.S. - Runni Saidpur, District - Sitamarhi
5. Khushbu Kumari Wife of Rajnish Singh, D/o Jaymangal Singh and Renu Devi Village Athari, P.S. - Runni Saidpur, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Kamal Deo Sharma, Sr. Advocate Mr. Sriram Krishna, Advocate
For the Respondent/s	:	Mr. V.R.P.Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 04-12-2018

Defendant of Title Suit No.53 of 2001 pending in the Court of Munsif Sadar, Sitamarhi has filed this application for quashing the order dated 22.07.2014 whereby and whereunder the amendment petition filed by the plaintiff/respondents was allowed.

2. Heard learned counsel for the petitioners as well as the respondents.

3. It appears that the respondents filed the aforesaid suit for declaration of his title and recovery of possession over the land mentioned in schedule given at the foot of the plaint. The plaintiffs further sought relief to declare the order passed in Consolidation



Appeal No.54 of 1983 on the basis of compromise petition as not binding on the plaintiffs with respect to 2 ½ decimal of land of plot no.724, 728 and 731. The petitioners filed amendment petition for making some necessary correction in some of the paragraphs of the plaint and also to add a relief for recovery of possession from portion of suit land on the ground that during the pendency of the suit, he has been dispossessed by the petitioners. The learned court below allowed the amendment petition subject to payment of cost of Rs.500/-. The learned court below further gave an opportunity to the defendants to file additional written statement with respect to amended plaint. The plaintiffs have examined some of the witness and his evidence has not been closed till the date.

4. On perusal of pleading of both the parties as well as impugned order, I find that the amendment as allowed are formal in nature and do not change the nature of the suit.

5. In view of above facts, I do not find any merit in this writ application. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
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