

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1631 of 2018**

Babujee Mandal & Ors

... .. Appellant/s

Versus

Amla Devi & Ors

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Wasi Ahmad Khan
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2018 Heard the learned counsel for the petitioners.

The petitioners have filed this Civil Misc. petition against the order dated 10.09.2018 passed by learned Additional District Judge-II, Madhepura in Title Appeal No. 5 of 2016 by which the petition of the petitioners filed under Order VI Rule 17 of the Code of Civil Procedure has been dismissed on the ground that same is not clear.

The learned counsel for the petitioners submits that petitioners wanted to bring the following facts in the plaint:-

“That the cause of action for first time arose on 02.08.2013 to the plaintiff within the jurisdiction of the court when the plaintiff went to Anchal Officer to transfer the jamabandi in their own name then they came to know that the suit land has been recorded in the name of defendant. Thereafter, also on 03.08.2013 when the plaintiff obtained certified copy of Khatiyani and thereafter on several dates when the plaintiff requested to defendant to execute Bazdawa in their favour and the defendants assured them that they will execute Bazdawa in their favour and lastly on 04.08.2013 when the defendant refuse to execute Bazdawa denied in their favour”.



It is further submitted that plaintiff filed the suit for correction of record of rights standing in the name of defendant in the year 2013 itself, therefore, the amendment is necessary but it appears from perusal of the amendment petition itself that the plaintiff wanted to bring the facts in the plaint by way of amendment with regard to cause of action. The plaintiff filed the suit in the year 2013 itself stating cause of action and for correction of record of rights illegally standing in the name of defendant. The amendment intended to be brought about in the plaint is not at all necessary and have got no bearing on the point/ question to be decided whether the record of rights are wrongly prepared with regard to land in the name of defendants. Thus, I find that the learned Additional District Judge has rightly rejected the amendment petition of the petitioners.

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

(Prabhat Kumar Jha, J)

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