

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.365 of 2016

=====

1. Mst. Sundarpati Devi @ Sunarpati Kunwar Wife of Late Chandradeo Pandit, resident of Village- Purardarpur, P.O.- Khadda (Kunjlahi), P.S.- Nautan, District- West Champaran, At Present Mohalla- Anand Nagar, Ward No. 23, P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. Srimati Usha Devi wife of Krishnadeo Chaudhary, resident of Village- Purandarpur, P.O.- Khadda (Kunjlahi), P.S.- Nautan, District- West Champaran, At Present, At Present, Mohalla- Anand Nagar, Ward No. 23, P.S. Bettiah Town, District- West Champaran.

2. Kapildeo Pandit Son of Late Raghunath Pandit, resident of Village- Purandarpur, P.S.- Nautan, District- West Champaran.

3. Dinesh Pandit Son of Late Munshi Pandit.

4. Subashchandra Pandit Son of Late Munshi Pandit.

5. Sushil Pandit Son of Late Munsif Pandit.

6. Pradeep Kumar Parit Son of Kapildeo Parit, Respondent Nos. 3 to 7 residents of Village- Purandarpur, P.S.- Nautan, District- West Champaran.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 21-06-2018 Heard both sides.

The petitioner filed this civil miscellaneous petition against the order dated 28.04.2016 passed in Partition Suit No.89 of 2007 by which the amendment petition of the plaintiff has been rejected.

The learned counsel for the petitioner submits that Chandradeo Pandit, the husband of plaintiff No.1 filed suit for declaration of sale deed executed by defendant No.2, Kapildeo



Pandit in favour of defendant No.1 as void with regard to the land mentioned in Schedule I of the plaint as Kapildeo Pandit has got no right, title and possession over the land. It is further submitted that the amendments are formal in nature. The defendant claimed that there was partition in the property of Raghunath Pandit and by virtue of such partition nobody else is concerned with the land of Raghunath Pandit but certain facts are left to be inserted in plaint but on perusal of the amendment petition as well as the plaint, I find that the plaintiff stated the facts that the plaintiff and defendant Nos.1 and 2 got the land in jointness but by way of amendment he wanted to withdraw this admission. Therefore, I find that the learned Sub Judge has rightly rejected the amendment petition of the plaintiff.

In this view of the fact, I do not find any merit in this civil miscellaneous petition. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

