

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15921 of 2010

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Binod Bihari Lal S/O Late Jai Bihari Lal R/O Sadar Bazar, Danapur Cantt, P.O.-
Danapur, Distt.- Patna

.... Petitioner/s

Versus

1. Amod Bihari Lal S/O Sri Pramod Bihari Lal R/O Sadar Bazar Danapur Cantt,
P.O.- Danapur, Distt.- Patna
2. Shrikant Bihari Lal (Minor) S/O Pramod Bihari Lal U/G Of Amod Bihari Lal,
Brother And Well Wisher R/O Sadar Bazar Danapur Cantt, P.O.- Danapur,
Distt.- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SUBODH KUMAR JHA, Advocate
For the Respondent No.1 : Mr. Manoj Kumar Manoj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 25-10-2018

Petitioner before this Court is defendant of Title Suit No.198 of 2007 pending in the Court of Sub Judge-III, Danapur, Patna. He has filed this application for quashing the order dated 10.08.2010 whereby and whereunder prayer of the plaintiff to amend the plaint was allowed subject to payment of cost of Rs.1100/-.

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

3. The respondents before this Court has filed the aforesaid suit for partition of immovable and moveable properties mentioned in schedule-1 of the plaint. It has been submitted that the defendant no.4 Most. Satyabati Devi filed her written statement and at para-3 she disclosed that she had executed deed of gift in favour of Smt. Mina Devi who is wife of the present petitioner. Thereafter, the respondents/plaintiff filed an amendment petition for impleading the



said Mina Devi as defendant no.10 and also to add para-3A to bring the facts that the said deed of gift executed by defendant no.4 with respect to land mentioned in schedule-1(a) of the plaint is illegal, collusive, null and void and inoperative documents. Besides that the plaintiff further wants to add one more relief in para-19 with respect to declaration of said deed of gift dated 10.10.2007 executed in favour of wife of the present petitioner as illegal, null void, collusive and inoperative document and not binding on the plaintiff. The said deed of gift was executed immediately before filing of the suit and so the plaintiff had no knowledge about the execution of said document. It appears that the deed of gift has been executed with respect to portion of land under partition which according to respondent is ancestral property. The learned court below finding the amendment simple in nature which neither changes the nature of the suit nor causes any prejudice to the petitioner has allowed subject to payment of cost to the petitioner.

4. In view of above facts, I find that the court below has not committed any jurisdictional error in allowing the amendment petition. This application is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.10.2018
Transmission Date	N/A

