

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16928 of 2014

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1. Harihar Prasad Son of Late Satya Narayan Sah
 2. Sonamati Devi Wife of Harihar Prasad
 3. Sunaina Devi Wife of Sri Dharmnath Prasad All resident of village - Janglia, Ward No. 18, P.O. & P.S. - Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. Shahid Imam @ Raju Son of late Ali Imam
2. Smt. Bhikhain Devi Wife of Chhathu Yadav Both resident of Village - janglia, Ward No. 18, P.O. & P.S. - Gopalganj, District - Gopalganj.
3. Vishwanath Yadav Son of Late Shalik Yadav
4. Ram Nath Yadav Son of Late Shalik Yadav
5. Jagar Nath Yadav Son of Late Shalik Yadav
6. Raghunath Yadav Son of Late Shalik Yadav
7. Jagdish Yadav Son of Late Shalik Yadav Respondet No. 3 to 7, resident of village Sakhe Babu Inar Roy Ke Tola, P.S. Uchkagoan, District - Gopalganj.
8. Bhagwati Yadav Son of Late Darshan Yadav resident of village - Kuchaikote, P.O. & P.S. Kuchaikote, District- Gopalganj.
9. Basmatiya Devi Wife of Bhoju Yadav resident of village - Hathua, Kohrauli Tola, P.S. - Mirganj, District- Gopalganj.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Respondent/s : Mr. Pankaj Kumar Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 31-10-2018

Petitioners are plaintiffs of Title Suit No.62 of 2008 pending in the Court of Sub Judge-IV, Gopalganj. They have filed this application for quashing the order dated 11.07.2014 whereby and whereunder the amendment petition filed by defendant no.2 to amend the written statement was allowed.

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



3. Petitioners before this Court filed the aforesaid suit for declaration of their title on the basis of their registered sale deed and further to declare the sale deed dated 09.12.2006 and 28.12.2006 standing in the name of defendant nos.1 and 2 as forged, fabricated and without consideration money. The defendant no.2 appeared and filed her separate written statement. In course of trial, the defendant no.2 filed amendment petition on 01.05.2014 for adding some facts and also for correction of some of the name appearing in para-14 of the written statement. It appears that by said amendment, the defendants added fact relating to family arrangement which took place with respect to land in dispute after the death of Banachia Devi in 1964. The defendants have further challenged the sale deed of the plaintiff as void ab initio. The learned court below after hearing both sides allowed the amendment petition subject to payment of cost of Rs.500/-. The main objection of the petitioners is that the said amendments have been introduced after five years of filing of written statement by the defendant



no.2 for which she has not assigned any reason.

4. On going through the facts pleaded in the written statement and impugned order, I find that the said amendments do not prejudice the petitioners in any way as the plaintiffs have to prove their case on the basis of their pleadings. The amendments in question are simple and so the court below has not committed any jurisdictional error in allowing the amendment petition as the same are in consonance with the earlier pleadings.

5. In view of above facts, this writ application being devoid of merit is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.11.2018
Transmission Date	N/A

