

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23080 of 2013

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1. Jiwachch Lal Singh son of Late Kuldeo Singh resident of village:- Mahinath Pur, P.S.:- Korha And District:- Katihar
 2. Suresh Prasad Singh son of Late Kuldeo Singh resident of village:- Mahinath Pur, P.S.:- Korha And District:- Katihar
 3. Dhaniya Devi W/o Indradeo Prasad Singh and D/o Laxmi Narayan Singh resident of village- Sisia, P.S. Korha, District Katihar.
 4. Vinod Kumar Singh both sons of laxmi Narayan Singh all residents of village- Mahinathpur, P.S. Korha, District Kaithar.
 5. Naresh Prasad Singh
 6. Bimla Devi widow of Laxmi Narayan Singh

... .. Petitioner/s

Versus

1. Kailash Narayan Singh son of Late Shyam Narayan Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
2. Tej Narayan Singh son of Late Shyam Narayan Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
3. Anuradha Kumari Daughter of Late Shyam Narayan Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
4. Daya Nandani Devi widow of Late Shyam Narayan Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
5. Jagat Narayan Singh son of Late Turai Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
6. Smt. Lakhi Devi widow of Late Gorelal Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
7. Vidya Nand Singh son of Late Gore Lal Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
8. Nitya Nand Singh son of Late Gore Lal Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
9. Bhushan Singh son of Late Madhusudan Singh @ Polai. Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
10. Chhedi Lal Singh son of Late Ayodhi Singh resident of village:- Mahinath Pur, P.S.:- Korha And District:- Katihar
11. Smt. Sharda Devi widow of Late Bishun Prasad Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
12. Pradeep Kumar Singh son of Late Bishun Prasad Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
13. Lalit Narayan Singh son of Late Turai Singh resident of village:- Mahinath Pur, P.O.- Sisia, P.S.:- Korha And District:- Katihar
14. Ranjana Devi W/O Bhagwat Prasad Singh, daughter of Late Kuldeo Singh resident of village & P.O.:- Sisia (Balutola) P.S.:- Korha And District:- Katihar
15. Manti Devi W/O Badri Prasad Mehta And daughter of Late Kuldeo Singh resident of village:- Masuriya, P.O.:- Banaili Via:- Champa Nagar, P.S.:- Bankanki District:- Purnea.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.
Md. Abu Haidar, Adv.
For the Respondent/s : Mr. Bimal Kumar, Adv.
Mr. Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 06-12-2018

Petitioners before this Court are defendants of Title Suit No. 58 of 1995 pending in the court of Munsif, Katihar. They have filed this writ application for setting aside the order dated 13.09.2013 whereby and whereunder the learned court below allowed the amendment petition at the fag end of trial.

2. Heard learned counsels for the petitioners and the respondents.

3. It appears that when the suit was fixed for judgment, the plaintiffs filed a petition for hearing on the point of law. The case was adjourned and an amendment petition was filed which after hearing was allowed. The amendment which has been allowed relates to disclosure of some facts relating to execution of sale deed. The plaintiffs have added one more paragraph as paragraph 10A wherein they have stated about the mode of allotment of share in plot no. 1997 and possession of the parties over the said land. The plaintiffs have further stated that the defendant nos. 1 and 2 have sold the entire land to Karuna Devi wife Fuchhan Singh on 29.05.1982. The plaintiffs have further deleted R.S. Plot 2106 and reduced the area of 1997 by mentioning



49 decimal. The defendants who are petitioners before this Court filed objection and stated that the amendment was filed at the fag end of trial and so the court below ought to have rejected the amendment petition.

4. On going through the amendment petition and impugned order I find that the amendments are formal in nature and these do not change the nature of the suit. The court below while allowing the said amendment has compensated the petitioners by way of cost to the tune of Rs.2,000/- and also gave opportunity to file an additional written statement in the light of amended plaint.

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

(Sanjay Kumar, J)

mkchy/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

