

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1079 of 2017

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1. Kiran Devi Wife of Laxman Singh Daughter of late Parmeshwar Choudhary, resident of Mohalla Khabra, Rahul Nagar, Behind Banshi Sweet, P.O. Khabra, District Muzaffarpur
 2. Manju Devi Wife of Sri Niranjan Singh, Resident of Village-Mukundpur P.S. Patepur, District Vaishali
 3. Anil Kumar Choudhary Son of Parmeshwar Choudhary
 4. Sunil Kumar Choudhary Son of Parmeshwar Choudhary
 5. Most. Sita Devi Wife of Late Indradeo Choudhary Resident of Village-Shrirampur, Ayodhya, P.S. Pusa, District Samastipur
 6. Uma devi Wife of Sri Bidyanand Singh, Daughter of late Indradeo Choudhary, resident of Village and P.O. Chapra, P.S. Kanti, District Muzaffarpur
 7. Ram Padarath Choudhary Son of Late Rajdeo Choudhary
 8. Prem Kumar Choudhary Son of Ram Padarath Choudhary
 9. Ram Kumar Choudhary Sono f Indradeo Choudhary
 10. Shyam Kumar Choudhary Son of Indradeo Choudhary
 11. Kishlay KUMar Choudhary Son of Ram Kumar Choudhary
 12. Santosh Kumar Choudhary Son of late Anil KUMar Choudhary
 13. Anmol KUMar Choudhary Sono f late Anil Kumar Choudhary
 14. Shambhu Choudhary Son of late Chandradeo Choudhary
 15. Murari Choudhary Son of late Chandradeo Choudhary
 16. Ashwini KUMar Choudhary @ Manu Son of Shambhu Choudhary
 17. Most. Indu Devi Wife of Late Tek Narayan Choudhary All resident of Village-Shrirampur Ayodhya, P.S. Pusa, District Samastipur
 18. Indrashan Devi Wife of Braj Kishore Thakur and Daughter of late Girija Devi and late Achhelal Choudhary, resident of Village - Pachhiyari Tola Tabhaka, P.S. Bibhutipur, District-Samastipur

.... Petitioners

Versus

1. Ram Naresh Choudhary Son of late Madan Choudhary, Resident of Village-Sri Rampur Ayodhya, P.S. Pusa, District Samastipur.
2. Pankaj Kumar Choudhary Son of Dineshwar Kumar Choudhary
3. Niraj Kumar Choudhary Son of Dineshwar Kumar Chudhary
4. Madhukar Kumar Choudhary Minor Son of Pankaj Kumar Choudhary All Resident of Village-Srirampur Ayodhya, P.S. Pusa, District Samastipur
5. Most Shila Devi Wife of late Devendra Narain Choudhary, All Resident of Village-Srirampur Ayodhya, P.S. Pusa, District Samastipur
6. Umesh Ram Son of Late Mahendra Ram
7. Srimati Nirmala Devi Wife of Sri Ram Sagar Ram, Daughter of late Mahendra Ram Resident of Village-Keshopatti, P.S. Warisnagar, District Samastipur
8. Sukumari Devi Wife of late Sonelal Pandit
9. Indu Devi Wife of Baiju Pandit Resident of Village-Shahpur Patory, P.O. Chak Habib, District Samastipur
10. Renu Devi Wife of Raghuvind Pandit Resident of Raghopur, P.S. Harkholi, District Muzaffarpur
11. Most. Ritam Choudhary Wife of Late Ashok Kumar Choudhary
12. Putul Kumari Minor Daughter of Late Ashok Kumar Choudhary
13. Jiyalal Ram Son of late Keshwar Ram All Resident of Village-Srirampur



Ayodhya, P.S. Pusa, District Samastipur
14. Khushbu Kumari Minor Daughter of Late Ashok Kumar Choudhary, All
Resident of Village-Srirampur Ayodhya, P.S. Pusa, District Samastipur

.... Respondents

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Appearance :

For the Appellant/s : Mr. Shiv Nandan Pd. Singh
Mr. Navesh Nandan

For the Respondent No.2 : Mr. Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 07-05-2018

Heard both sides.

The petitioners filed this Civil Miscellaneous petition against the order dated 16.05.2017 passed in Title Appeal No.18 of 2012, by which, the amendment petition of the petitioners has been partly allowed and partly rejected. The petitioners are defendant 1st set in T.S. No.188 of 1997. The suit was decreed, thereafter, the petitioners filed T.A. No.18 of 2012.

The petitioners during pendency of the appeal filed amendment petition for inserting different words and sentences in different paragraphs of the amendment petition but the learned Additional District Judge, Fast Track Court No.2 dismissed the amendment petition holding that the amendment sought for in paragraphs-5, 7, 9, 10, 11, 12, 13, 14 and 15, if allowed, would change the nature of the suit but on perusal of the judgment under appeal itself it appears that the facts, which are sought to have stated have already been incorporated in different paragraphs of the plaint



from before. The appellants have stated that they are in possession of the property since 1920 by virtue of settlement and during revisional survey also, the land was entered in the name of Damodar Chaudhary. Therefore, I find that there is no necessity of such amendment and the amendment sought for is only to make the plaint cumbersome by inserting the same facts which have already been stated in the plaint.

In this view of the matter, I do not find any merit in this Civil Miscellaneous petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08-05-2018
Transmission Date	NA

