

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1217 of 2016

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1. Suresh Yadav @ Suresh Prasad Yadav
2. Ramesh Yadav Both sons of Late Khushi Lal Yadav
3. Smt. Sailti Devi D/o Late Khushi Lal Yadav
4. Most. Dana Devi W/o Late Khushi Lal Yadav All resident of village - Basauli (Ganoun), Police Station Ghanshyampur, District - Darbhanga

.... Appellant/s

Versus

1. Kusheshwar Yadav @ Sutkahi Yadav
2. Munni Lal Yadav Both sons of Late Sri Ram Yadav
3. Ramiya Devi D/o Late Sri Ram Yadav, Wife of Ghuran Yadav resident of village - Amarahi, Supaul, P.O. Tumoul, Police Station Ghanshyampur, District - Darbhanga
4. Dukhni Devi Wife of Gauri Shankar Yadav, D/o Sri Ram Yadav of village - Thika, P.O. Sonpur, Police Station Biroul, District - Darbhanga
5. Lalit Yadav Son of Late Jagdish Yadav
6. Pulendra Yadav Son of Late Jagdish Yadav
7. Bablu Yadav Son of Late Bhogendra Yadav
8. Lalu Yadav Son of Late Bhogendra Yadav minor under the guardianship of their Chachera brother namely Lalit Yadav Resident of village - Ganoun, Tole Basauli, Police Station Ghanshyampur, District - Darbhanga
9. Mostt. Sara Devi Wife of Late Bideshi Yadav
10. Duni Lal Yadav Son of Late Bideshi Yadav
11. Raja Ram Yadav Son of Late Bideshi Yadav
12. Bhuli Devi D/o Late Bideshi Yadav
13. Most. Punam Devi Wife of Late Saryug Yadav
14. Mahesh Yadav Son of Late Saryug Yadav
15. Dhorhai Yadav
16. Ghuran Yadav
17. Satto Yadav
18. Charitar Yadav Son of Neti Yadav
19. Buchan Yadav
20. Lochan Yadav
21. Bechan Yadav All sons of Late Damodar Yadav
22. Mt. Dukhani Devi W/o Late Damodar Yadav
23. Chaadami Yadav @ Shiv Shankar Yadav
24. Har Kishor Yadav @ Har Kushun Yadav Both sons of Late Dukhi Yadav
25. Mt. Dukhni Devi @ Kulkhi Devi W/o Late Dukhi Yadav All resident of village - Sahpur Ganoun, Tole Basauli, Police Station Ghanshyampur, District - Darbhanga
26. Smt. Karo Devi Wife of Sri Baidyanath Yadav resident of village - Mohiuddinpur Pakri, Police Station Bahera, District Darbhanga
27. Bachan Yadav
28. Mahendra Yadav Both Sons of Late Iski Lal Yadav
29. Sumitra Devi D/o Late Iski Lal Yadav
30. Mt. Ram Pari Devi W/o Late Iski Lal Yadav
31. Jaisi Lal Yadav
32. Bacha Yadav



33. Tuna Yadav

34. Ram Bilash Yadav All S/o Late Chhote Yadav All resident of village -
Sahpur Ganoun, Police Station Ghanshyampur, District - Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha

For the Respondent/s : Mr. Samir Ranjan

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

5 25-10-2018 Heard Mr. Girish Chandra Jha, the learned counsel

for the petitioners, and Mr. Samir Ranjan, the learned counsel for

all the appearing respondents.

The petitioners have filed this Civil Misc. petition
against the order dated 21.09.2016 passed by learned Sub Judge,
Biraul, Darbhanga in Title Suit No. 112 of 1990 by which the
petition of the petitioners for amendment in the plaint has been
rejected.

The petitioners are the plaintiffs. The petitioners
filed petition for amendment in the plaint stating therein that
earlier the name of defendant No.9 was deleted and the lands
mentioned in schedule 1 and 2 of the plaint were also deleted on
the basis of compromise arrived at between the parties on
18.08.2000. Later on the compromise petition was rejected and,
therefore, name of defendant No.9 be added and the lands
mentioned in schedule 1 and 2 of the plaint be also added in the



plaint but the learned Sub Judge by the impugned order rejected the petition of amendment on the ground that the compromise petition was rejected on 20.02.2009 but the plaintiffs did not file the petition for amendment immediately thereafter but from perusal of the impugned order, I find that the learned Sub Judge has committed jurisdictional error by rejecting the petition of the petitioners for amendment in the plaint. Admittedly, name of defendant No. 9 was deleted on the basis of compromise arrived at between the plaintiffs and defendant No. 9 and lands mentioned in schedule-1 and 2 of the plaint were also deleted but after rejection of the compromise petition the plaintiffs brought the amendment and if the amendment is not allowed that will cause injustice to the plaintiffs.

In this view of the fact, the order dated 21.09.2016 is set aside and the amendment petition is allowed. Thus, this Civil Misc. petition is allowed.

(Prabhat Kumar Jha, J)

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