

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.335 of 2018

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1. Kamal Nayan Sharma,
 2. Ajit Kumar @ Ajit Sharma. Both Sons of Late Kameshwar Singh, resident of Village- Narayanpur Harhari, Pargana Okari, P.O. Bhadsara, P.S. Kako, District- Jehanabad.

.... Petitioners

Versus

Ramanand Sharma, Son of Late Kasmeshwar Prasad Singh, resident of Village- Bhadseri, P.S. Kako, P.O. Tej Bigha, District- Jehanabad.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Akhilesh Dutta Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 21-03-2018

Heard both sides.

The petitioners have challenged the order dated 17.01.2018 passed in Title Suit No.92 of 1992 by Additional Munsif-II, Jehanabad, by which, the Additional Munsif-II, Jehanabad, allowed the petition of amendment filed by the plaintiff to add the relief to declare the gift deed dated 20.02.1984 as illegal and inoperative and for cancellation of deed of gift.

Learned counsel for the petitioners submits that admittedly the plaintiff filed suit for declaration of title and confirmation of possession of the suit land and has also challenged the legality and validity of gift deed dated 20.02.1984, executed by Chotan Singh and Tankua Devi in favour of Kamal Narayan Sharma and Ajit Kumar,



the defendants. Learned counsel for the petitioners further submits that the plaintiff did not seek any relief to declare the gift deed illegal and when the suit was proceeded for argument, the plaintiff filed petition for amendment to add relief for declaration of gift deed as illegal, fraudulent and this relief of the plaintiffs is barred by limitation but it appears from the order impugned itself that the plaintiff has stated that the gift deed executed by Chotan Singh and Tankua Devi are illegal, fraudulent invalid and be cancelled but due to inadvertence the same relief has not been mentioned in the relief portion.

Therefore, I do not find any apparent illegality and jurisdictional error in the impugned order. Accordingly, this Civil Miscellaneous petition is dismissed with liberty to the petitioners, defendants to raise the question of limitation and any other appropriate defence at appropriate time.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

