

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1264 of 2018

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1. Brijendra Kumar Singh, Son of Late Dr. Awadhesh Narayan Singh, resident of Village- Shivpur, P.O. & P.S.- Bhabhua, District- Kaimur presently Residing at Mohania, P.S.- Mohania, District- Kaimur.

.... Appellant/s

Versus

1. Umesh Kumar Singh,
2. Ramesh Kumar Singh.
3. Anand Singh.
4. Pritam Singh All 1 to 4 sons of Late Kashi Nath Singh, All 1 to 4 resident of Village- Ghatar, P.S.- Kudra, Dist.- Kaimur.
5. Geeta Singh, Wife of Sri Binod Kumar Singh Daughter of Late Kashi Nath Singh, resident of Village- Nejura, P.S. and District- Chandauli (Uttar Pradesh).
6. Sangeeta Singh, Wife of Mahendra Pratap Singh Daughter of Late Kashi Nath Singh, resident of Village- Jarkhor, P.S. & District- Chandauli (Uttar Pradesh).
7. Amrita Singh, Wife of Sri Ram Sahay Singh Daughter of Late Kashi Nath Singh, resident of Bhawan Ke Pura, P.O.- Deori, District- Mirzapur (Uttar Pradesh).
8. Anita Singh @ Munni, Wife of Umang Singh @ Guddu Daughter of Late Kashi Nath Singh, resident of Village- Gajhiyan, P.O.- Sirihira, District- Kaimur at Bhabhua.
9. Prabha Singh, Wife of Late Dr. Binod Kumar Singh,
10. Pooja Singh,
11. Deep Maala both daughters of Late Dr. Binod Kumar Singh.
12. Navneet Bhushan, Son of Late Dr. Binod Kumar Singh.
13. Meera Singh, Wife of Late Ravindra Kumar Singh.
14. Vibhuti Bhushan
15. Tarun Bhushan, Both Sons of Late Ravindra Kumar Singh.
16. Arvind Kumar Singh, Son of Late Awadhesh Narayan.
17. Smt. Madhuri Singh.
18. Smt. Vibha Singh.
19. Smt. Abha Singh, all 17 to 19 daughters of Late Awadhesh Narayan, all 9 to 19 residents of Village- Shivpur, P.O. & P.S.- Bhabhua, District- Kaimur, presently residing at Mohania, P.S.- Mohania, District- Kaimur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sourendra Pandey

For the Respondent/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 19-11-2018

Heard both sides.

The petitioner has filed this Civil Misc. petition



against the order dated 28.06.2018 passed in Title Suit No. 155 of 1994 by which the petition of the petitioner for amendment of plaint has been rejected with a cost of Rs. 10,000/-.

The learned counsel for the petitioner submits that petitioner being the plaintiff filed the amendment petition to insert some sentences in paragraph 5 of the plaint that certain lands were sold to different persons by other coparceners. It is admitted on behalf of the petitioner that petitioner/ plaintiff came to know about the transfer of lands after having received the copy of written statement filed by the defendants. The defendants have already disclosed the facts in the written statement that they sold some land to different persons. The plaintiff claimed half share in the property mentioned in schedule-Ka of the plaint. Therefore, it appears that amendment is not at all necessary and the court found that the plaintiff on one pretext or the other wanted to delay the disposal of the suit. The court observed that plaintiff, besides other petitions, filed transfer petition at seven times for transfer of the suit from one court to another.

Having considered the facts aforesaid, I do not find any illegality in the impugned order. This Civil Misc. petition is, accordingly, dismissed. However the cost of Rs. 10,000/- is reduced to Rs. 5000/-.

The learned court below shall dispose of the suit, preferably, within four months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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