

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1481 of 2018

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1. Ram Govind Chaudhary
 2. Ram Lakhan Choudhary Both Sons of Late Pitamber Choudhary, Resident of Village-Paraha, P.S. + Anchal-Dumra, Post Office-Parsauni, Sub-Division- District-Sitamarhi.

... .. Petitioner/s

Versus

1. Rubi Pandit.
2. Sukhlal Pandit. Both Sons of Late Baldeo Pandit.
3. Mangli Devi, D/o Late Baldeo Pandit, W/o Gorakh Pandit, Resident of Village-Sonbarsa, P.S.-Bathnaha, P.O.-Lattipur, District-Sitamarhi.
4. Kamli Devi, D/o Late Baldeo Pandit, W/o Late Bhutta Pandit, Resident of Village + P.O.-Manikpur Muraul, P.S.-Parsauni, District-Sitamarhi.
5. Shanti Kumari
6. Babita Kumari
7. Chanda Kumari Minor Daughter's of Birendra Pandit Under the Guardianship of their father. Resident of Village-P.O.-Kushmri, P.S.-Riga, District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Mallika Mazumdar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-12-2018 Heard Ms. Mallika Mazumdar, learned counsel appearing on behalf of the petitioners.

The petitioners filed this civil miscellaneous petition against the order dated 26.06.2018 passed by Munsif, Sadar Sitamarhi in Title Suit No.13 of 2013 by which the learned Munsif, Sadar Sitamarhi rejected the petition of the petitioners for amendment of plaint and insertion of para 3(ka) and 9(ka)



after para 3 and 9 of the plaint on the ground that the amendment sought for is not at all relevant for deciding the question of title and possession of the plaintiff on Plot No.736.

Learned counsel for the petitioners submits that the petitioners wanted to insert that Jaddu Chaudhary purchased Plot No.637 area 1 katha 3 dhurs from Chethru Sah through a registered sale deed dated 15.10.1910 and the Plot No.660 area 10 decimals was the homestead land of the defendants which was numbered as 250 in the revisional survey in the name of Manjhi Pandit and others but the houses of the defendants were demolished. These facts are relevant for deciding the title of the petitioner on Plot No.736.

It appears that petitioner-plaintiff sought declaration of title over Plot No.736 on the basis of the settlement made by Sursand estate in the year 1342 Fasli but the petitioner wanted to insert Plot No.637 and Plot No.660 in the amendment and these two plots are not at all connected with Plot No.736 on which the petitioner-plaintiff claimed his title. Therefore, I find that learned Munsif has rightly rejected the amendment petition of the plaintiff-petitioner on the ground that the amendment sought for is not at all relevant for deciding the question of title with regard to Plot No.736.



Having considered the facts aforesaid, I do not find any merit in this civil miscellaneous petition. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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