

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.242 of 2018

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1. Chandra Mohan Prasad, Son of Late Baidh Nath Prasad Bhagat,
2. Rambha Devi, Wfie of Shri Chandra Mohan Prasad, Both are resident of
Ragarhwa Bazar, P.S.- Ramgarhwa, District- East Champaran.

.... Petitioners

Versus

1. Ramjeet Prasad, Son of Late Asharfi Sah,
2. Rampati Devi, Wife of Shri Ramjeet Prasad,
3. Om Prakash Sah, Son of Shri Ramjeet Prasad,
4. Jai Prakash Sah, Son of Shri Ramjeet Prasad, All are resident of
Ramgarhwa Bazar, P.S.- Ramgarhwa, District- East Champaran.
5. Mostt. Urmila Devi, Wife of Late Ram Ekbal Prasad, Resident of
Village- Madhopur, Police Station- Sugauli, District- East Champaran, at
present Mohallah- Naga Road, Raksaul, P.O.+P.S.- Raksol, District- East
Champaran.
6. Sharma Prasad, Son of Late Ram Ekbal Prasad,
7. Dhan Prakash Prasad, Son of Late Ram Ekbal Prasad,
8. Santosh Prasad, Son of Late Ram Ekbal Prasad, Resident of Village-
Madhopur, Police Station- Sugauli, District- East Champaran, at present
Mohallah- Naga Road, P.O.+P.S.- Raksaul, District- East Champaran.
9. Shushil Kumar Singh, Son of Late Singhal Singh,
10. Ravi Kumar, Son of Sri Shushil Kumar Singh, Residents of Village-
Sakrar Tola Bahuari, P.S.- Ramgarba, District- East Champaran.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Smt. Sudha Ambastha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-05-2018

Heard learned counsel for the petitioners.

The petitioners filed this Civil Miscellaneous petition to
quash the order dated 23.06.2017 passed in Title Suit No.504/2010
by which the petition of the petitioners to amend the plaint has
been rejected. The petitioners further prays to quash the order
dated 14.11.2017 by which the petition of the petitioners for



recalling the order dated 23.06.2017 has been rejected.

The Plaintiff no.1 and 2 filed the suit for declaration of title and confirmation of possession over the lands mentioned in Schedule-2 of the plaint. During the pendency of the suit, the plaintiffs sold the lands in favour of the petitioners. The petitioners filed petition to be impleaded as defendants in the suit. The petition of the petitioners was allowed and the petitioners were made defendants in the suit. Thereafter the petitioners filed petition for their transposition as plaintiff no.3 and 4. The same petition was allowed but thereafter the petitioners filed petition to amend the plaint and the same was dismissed vide order dated 23.05.2017 and the petition of the petitioners for recalling of the order has also been dismissed vide order dated 14.11.2017. Being aggrieved by both the orders, the petitioners filed this petition.

Learned counsel for the petitioners submits that the petitioners have no knowledge about the pendency of the suit, and therefore, in the interest of justice, they should be allowed to amend the plaint. Admittedly, the petitioners are transposed as plaintiff no.3 and 4 on their petition, being the transferee of petitioner no.1 and 2 during the pendency of the suit, the petitioners entered into the shoe of plaintiff no.1 and 2, who filed the suit for declaration of title and confirmation of possession. The



petitioners are purchasers during the pendency of the suit, and therefore, they have got no individual right to amend the plaint. Accordingly, the learned court below has rejected the petition of the petitioners.

Thus, I do not find any merit in this Civil Miscellaneous petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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