

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6564 of 2016

1. Abdul Kadir, Son of Late Halkhori, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
2. Mir Md. Noor Rabi, Son of Late Reyaz, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
3. Mir Musha, Son of Late Mir Afzal Hussain, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
4. Mir Zakir Hussain, Son of Late Mir Afzal Hussain, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
5. Mir Nayeem, Son of Mir Fagoo, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
6. Mir Sakir Hussain @ Md. Shakir, Son of Mir Hakim, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
7. Mir Ehsahn @ Ahsan, Son of Mir Abdul, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
8. Mir Shafique @ Safique, Son of Mir Aadar Ali, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
9. Mir Ekram, Son of Mir Aminuddin, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
10. Mir Mustafa @ Mustafa, Son of Mir Sadir Ali, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
11. Mir Md. Firoz Alam @ Firoz, Son of Tamizuddin, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.

... .. Petitioner/s

Versus

1. Mir Amin, Son of Late Mir Umaid Ali, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
2. Mir Nizamuddin, Son of Late Mir Yaqub. resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
3. Mir Niyazuddin, Son of Late Mir Yaqub, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
4. Mir Salam, Son of Late Mir Yaqub, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
5. Mir Kalam, Son of Late Mir Yaqub, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
6. Bibi Afsari, daughter of Late Mir Yaqub Wife of Sabi Taha, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
7. Bibi Maniya, Wife of Md. Nayeem, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
8. Isha Son of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.



9. Musha, Son of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
10. Masai, Son of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
11. Matti, Son of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
12. Zakir, Son of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District Purnea.
13. Perwez, Son of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
14. Bibi Shabana, daughter of Late Mir Azizur Rahman, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
15. Md. Waris, Son of Late Mir Mofid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
16. Md. Rayees Son of Late Mir Mofid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
17. Md. Kaloo, Son of Late Mir Mofid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
18. Bibi Nasma, daughter of Late Mir Mofid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
19. Bibi Nanhi, daughter of Late Mir Mofid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
20. SK. Simamul, Son of Late Mohammad, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
21. SK. Aiyub, Son of Late Mohammad, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
22. SK. Ekramul, Son of Late Mohammad, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
23. SK. Rustam, Son of Late Mohammad, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
24. Sk. Iltaz, Son of Late Mohammad, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
25. Md. Irshad, Son of Late Imamul, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
26. Bibi Rabina, daughter of Late Imamul, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
27. Bibi Munni, daughter of Late Imamul, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
28. Tamiz, Son of Late Amir, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
29. Sulaiman, Son of Late Amir, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
30. Abdul Jabbar Son of Late Amir, resident of Village Mirphulpur, Police



Station Dagarua, District- Purnea.

31. Most. Zakir, Wife of Late Md. Shahid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
32. Md. Nasim, Son of Late Md. Shahid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
33. Md. Mannu, Son of Late Md. Shahid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
34. Md. Maqbool, Son of Late Md. Shahid, resident of Village Mirphulpur, Police Station Dagarua, District- Purnea.
35. Jaikant Mandal, Son of Late Ajab Lal Mandal, resident of Village Fatah Nagar Phulbari, Police Station Dagarua, District- Purnea.
36. Debkant Mandal, Son of Late Ajab Lal Mandal, resident of Village Fatah Nagar Phulbari, Police Station Dagarua, District- Purnea.
37. Sarvjit Mandal, Son of Pirthi Mandal, Resident of Village Mahalbari, Police Station Dagarua, District- Purnea.
38. Lalo Devi, Widow of Late Bokai Mandal, Resident of Village Mahalbari, Police Station Dagarua, District- Purnea.
39. Bikash Mandal, Son of Late Bokai Mandal, Resident of Village Mahalbari, Police Station Dagarua, District- Purnea.
40. Birendra Mandal, Son of Late Raghunath Mandal, resident of Village Mahalbari, Police Station Dagarua, District- Purnea.
41. Manoj Mandal, Son of Late Raghunath Mandal, resident of Village Mahalbari, Police Station Dagarua, District- Purnea.
42. Sanoj Mandal, Son of Late Raghunath Mandal, resident of Village Mahalbari, Police Station Dagarua, District- Purnea.
43. Arbind Mandal, Son of Late Raghunath Mandal, resident of Village Mahalbari, Police Station Dagarua, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Khatim Reza
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 20-09-2019 Heard the learned counsel for the parties. This Court finds that undisputedly, it is an admitted position that the impugned order dated 18.02.2016 passed by the learned court of Sub-Judge, Baisi, Purnea in Title Suit No. 117 of 2014 suffers



from the vice of the same being unreasoned and also smacks of non-application of mind inasmuch as the learned court below by a single line has rejected the petition of the plaintiffs/ petitioners herein for amendment of the plaint, filed under Order 6 Rule 17 of the Code of Civil Procedure, 1908.

Even the learned counsel for the respondents could not show from the impugned order dated 18.02.2016 that any reason whatsoever has been furnished by the learned court below for rejecting the petition of the plaintiffs/ petitioners herein under Order 6 Rule 17 of the Code of Civil Procedure, 1908.

Having considered the aforesaid facts and circumstances of the case as also having perused the order passed by the learned court of Sub-Judge, Baisi, Purnea in Title Suit No. 117 of 2014, this Court finds that the impugned order dated 18.02.2016 is a non-speaking, and an unreasoned order, as also does not show any application of mind by the learned court below, hence is set aside and the matter is remanded back to the learned court below for adjudicating the prayer of the petitioner for amendment, made by filing a petition dated 21.11.2015 on behalf of the plaintiffs/petitioners herein under Order 6 rule 17 of the Code of Civil Procedure, 1908, after hearing the respective parties



afresh, within a period of eight weeks from the date of receipt/
production of a copy of this order.

The writ petition stands allowed to the aforesaid
extent.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

