

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1598 of 2019

1. Binod Pandit Son of Late Dukhu Pandit, Resident of Village/Mohallah-Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District-Patna (Bihar).
2. Pramod Pandit, Son of Late Dukhu Pandit, Resident of Village/Mohallah-Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District-Patna (Bihar).
3. Samod Pandit, Son of Late Dukhu Pandit, Resident of Village/Mohallah-Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District-Patna (Bihar).
4. Gopal Pandit @ Gopal Kumar, Son of Late Dukhu Pandit, Resident of Village/Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District- Patna (Bihar).
5. Gautam Pandit @ Gautam Kumar, Son of Late Nandu Pandit, Resident of Village/Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District- Patna (Bihar).
6. Gaurav Kumar, Son of Late Nandu Pandit, Resident of Village/Mohallah-Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District-Patna (Bihar).
7. Shyam Narayan Pandit, Son of Late Mahadeo Pandit, Resident of Village/Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District- Patna (Bihar).
8. Most. Leelawati Devi, Wife of Late Sita Ram Pandit, Resident of Village/Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District- Patna (Bihar).
9. Bhola Pandit, Son of Late Sita Ram Pandit, Resident of Village/Mohallah-Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District-Patna (Bihar).
10. Most. Pushpa Devi, Wife of Late Nand Kishore Pandit, Resident of Village/Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant, District- Patna (Bihar).

... .. Appellant/s

Versus

1. Munna Pandit Son of Late Sahdeo Pandit. Resident of Village/Mohallah-Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant., District-Patna (Bihar) Presently Residing at Hanuman Chak, Devi Asthan More, Dr. D. Ram D.A.V. School, Gola Road, P.O.- Danapur Cant, P.S. Danapur, District- Patna (Bihar).
2. Ravindra Kumar @ Ravindra Pandit, Son of Late Sahdeo Pandit, Resident of Village/Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant., P.S.- Danapur Cant., District- Patna (Bihar) Presently Residing at Hanuman Chak, Devi Asthan More, Dr. D. Ram D.A.V. School, Gola Road, P.O.- Danapur Cant, P.S. Danapur, District- Patna (Bihar).
3. M/S Direct Sell Buildcon Private Limited, 2nd Floor, Ramashish Market,



Rukunpura, Bailey Road, Patna through its Directors.

4. Smt. Nidhi Kumari, Wife of Sri Satish Kumar, Director, M/S Direct Sell Buildcon Private Limited, 2nd Floor Ramashish Market, Rukunpura, Bailey Road, Patna (Bihar).
5. Satish Kumar, Son of Late Shyam Nandan Singh, Resident of Mohallah- Vijay Nagar, Patel Chauk, Rukunpura, P.O. B.V. College, P.S.- Rupaspur, District- Patna (Bihar).
6. Arvind Kumar, Son of Late Shyam Nandan Singh, Resident of Mohallah- Vijay Nagar, Patel Chauk, Rukunpura, P.O. B.V. College, P.S.- Rupaspur, District- Patna (Bihar).
7. Smt. Neela Singh, Wife of Sri Arvind Kumar, Resident of Mohallah- Vijay Nagar, Patel Chauk, Rukunpura, P.O. B.V. College, P.S.- Rupaspur, District- Patna (Bihar).
8. Sudhir Kumar, Son of Late Baikunth Singh, Resident of Flat No. 107, Hop Avant Apartment, Vijay Nagar, Patel Chauk, Rukunpura, P.O.- B.V. College, P.S. Rupaspur, District- Patna (Bihar).
9. Nishant Gaurav, Son of Satyendra Narayan, Resident of Village- Mau, P.O. and P.S.- Tekari, District- Gaya.
10. Govind Pandit, Son of Late Dukhu Pandit, Resident of Village/ Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant, P.S.- Danapur Cant., District- Patna (Bihar).
11. Suraj Kumar, Son of Late Nand Kishore Pandit, Resident of Village/ Mohallah- Pethia Par, Kali Asthan, P.O.- Danapur Cant, P.S.- Danapur Cant, District- Patna (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhanendra Chaubey, Advocate
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 13-12-2019

Heard learned counsel for the defendants/petitioners.

2. The present petition has been filed “*for setting aside the order dated 07.09.2019 passed by the learned Sub Judge Vth, Danapur in Title Suit No. 03 of 2019 by which the learned Sub Judge allowed the amendment petition dated 08.04.2019 filed by the plaintiff and directed to amend the plaint within prescribed*



period.”

3. By the amendment petition filed on behalf of the plaintiffs/respondents (1st set), plot nos. 192 and 193 forming part of Schedule-II of the plaint were sought to be deleted, stating that the said plots were not in dispute (para 4 and 9 of the amendment petition).

4. Learned counsel for the defendants/petitioners on the other hand points out that Schedule II of the plaint comprised of various plots including plot nos. 192 and 193 which had been the subject matter of dispute between the parties and in respect of which written statement was also filed. It is submitted that allowing the amendment petition has the effect of changing the nature of the suit itself and cannot be permitted.

5. Having heard learned counsel for the defendants/petitioners and on consideration of the materials on record, this Court is not inclined to interfere in this matter. The suit has been brought by the plaintiffs/respondents (1st set), *inter alia*, with regard to various plots comprising Schedule-II of the plaint said to be in dispute, but later on the plaintiffs/respondents (1st set) were desirous of deleting plot nos. 192 and 193 from Schedule II on the ground that there is no dispute with respect to the said two plots. This Court finds no illegality in the impugned order allowing the deletion of the two plots from Schedule II of the plaint by allowing the amendment petition which would not



change the nature of the suit. If the defendants-petitioners claim title in respect of the said two plots, it would always be open to them to seek remedy in accordance with law.

6. The petition is devoid of merit and stands dismissed accordingly.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2019
Transmission Date	NA

