

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1644 of 2019

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Mostt. Dhanmatiya Devi, Widow of late Ram Kewal Yadav, Resident of Village- Aam Dehri, P.S. Rani Talab, P.O. Rajipur, District- Patna.

... .. Plaintiff/Petitioner

Versus

1. Shiobalam Yadav Son of late Dhureli Yadav, Resident of Village- Aam Dihri, P.S. Rani Talab, P.O.- Rajipur, District- Patna.
2. Dasharath Ram, Son of late Jita Ram , Resident of Village- Aam Dihri, P.S. Rani Talab, P.O.- Rajipur, District- Patna. At Present Residing at Village- Manpura, P.S. and P.O. Danapur, District- Patna.
3. Chandrika Ram, Son of late Sakaldip Ravidas, Resident of Village- Aam Dihri, P.S. Rani Talab, P.O.- Rajipur, District- Patna.
4. Mahendra Ram, Son of late Sakaldip Ravidas, Resident of Village- Aam Dihri, P.S. Rani Talab, P.O.- Rajipur, District- Patna. At Present Village- Rajpur, Dariyapur, P.O. and P.S. Bihta, District- Patna.
5. Most. Sakhiya Devi, Widow of late Dukhit Ravidas, Resident of Village- Aam Dihri, P.S. Rani Talab, P.O.- Rajipur, District- Patna. At Present Village- Saraiya, P.S. Rani Talab (Kanpa), P.O. Rajipur, District- Patna.

... .. Defendant/Respondents

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Appearance :

For the Appellant/s : Mr.Arvind Prasad Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 03-12-2019

The present petition has been filed “for setting aside the order dated 27.09.2019 passed by the learned Additional District Judge-II, Danapur in Title Appeal No. 144 of 2017 whereby and whereuner the amendment petition filed by the petitioner under Order VI, Rule 17 read with Section 151 of the Civil Procedure Code has been rejected.

2. It is submitted that the plaintiff/petitioner filed Title Suit No. 11 of 2009 for declaration of right, title and interest over the suit property and for connected reliefs. A restraint order was passed on 26.06.2010 but in complete violation thereof, the



plaintiff/petitioner was dispossessed on 24.05.2014 from the suit land. The plaintiff/petitioner filed Miscellaneous Case No. 04 of 2014 for restoration of possession but however the Title Suit No. 11 of 2009 was disposed of on 18.09.2017, against which the plaintiff/petitioner preferred Title Appeal No. 144 of 2017. In the said appeal, the petitioner filed amendment petition on 04.07.2019 for amendment of plaint in view of his dispossession as aforesaid.

3. Having heard learned counsel for the plaintiff/petitioner and on consideration of the materials on record, this Court finds no illegality in the impugned order. It is not in dispute that the plaintiff/petitioner was dispossessed on 24.05.2014, but, apart from filing of Miscellaneous Case No. 04 of 2014, the plaintiff/petitioner did not take any steps for filing the amendment petition until disposal of the title suit on 18.09.2017. The amendment petition has been filed two years later on 04.07.2019 in course of appeal. The learned appellate court has rightly observed that the plaintiff/petitioner did not offer any explanation why the amendment was not sought in the title suit itself which remained pending for three years after the plaintiff/petitioner was dispossessed in the year 2014. The petition is found to be devoid of merit and is dismissed as such.

(Vikash Jain, J)

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