

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.599 of 2019**

Kunj Bihari Sah, Son of Late Mahangu Sah, Resident of Village-Patwadih,
P.O.-Diriyan, P.S.-Kargahar, District-Rohtas.

... .. Petitioner/s

Versus

1. Rabindra Sah
2. Arjun Prasad Gupta @ Arjun Sah
Both Son of Late Dharmdeo Sah Resident of Village-Patwadih, P.O.-
Diriyan, P.S.-Kargahar, District-Rohtas
3. Shashi Mohan Sah
4. Dilip Kumar
5. Saroj Kumar
All sl. Nos. 3 to 5 are Sons of Late Mahender Sah
6. Shobha Kumari D/o Late Mahendra Sah
All sl. no. 1 to 6 are Resident of Village-Patwadih, P.O.-Diriyan, P.S.-
Kargahar, District-Rohtas
7. Sukami Devi @ Sukari Devi W/o Pancham Sah
All Resident of Village, P.O. and P.S Kargahar, District-Rohtas
8. Shyam Sundari Devi W/o Jai Bahadur Sah Resident of Village and P.O.-
Indaun, P.S.-Dinara, District-Rohtas
9. Bigu Sah
10. Sudarshan Sah
Both sons of Late Indradeo Sah Resident of Village-Patwadih, P.O.-Diriyan,
P.S.-Kargahar, District-Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akhouri Vipin Bihari Shrivastava
For the Respondent/s : Mr.

**CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER**

2 22-01-2020 The petition filed on 22.04.2019 is listed for hearing
for the first time today before the court.



Petitioner has prayed for the following relief:

“For setting aside the order dated 23.01.2019 passed by Additional District Judge-VII, Rohtas at Sasaram in Title Appeal No. 58 of 2013 contained in Annexure-4 whereby and whereunder the learned court below illegally refused formal amendment in plaint.”

The sole amendment sought to be brought in is to the effect that land be got demarcated. It is seen that appeal was instituted in the year 2013 and the application seeking amendment was filed in the year 2018.

From the petition, it cannot be made out as to what took the petitioner/plaintiff five years to bring in the amendment sought to be incorporated.

Be that as it may, what the petitioner desires is to appoint a Commissioner for measurement of the land, for which amendment is not necessary and it is always open for the petitioner/plaintiff to file an appropriate application under the provisions of the Code of Civil Procedure.

The court below, vide impugned order dated 23.01.2019 passed in Title Appeal No. 58 of 2013, rightly rejected the application holding the amendment to be frivolous and vexatious in nature, apart from the fact it being not necessary for determination of the controversy in issue, subject



matter of trial.

The Court finds no perversity or illegality in the impugned order dated 23.01.2019. Accordingly, the petition stands dismissed.

(Sanjay Karol, CJ)

sujit/-

U			
---	--	--	--

