

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1713 of 2019

Sanjay Thakur @ Sanjay Narayan Thakur, S/o Late Jayanarayan Thakur,
Resident of Village-Bishtaul, Post Office Nawani, Police Station-Jhanjharpur,
District-Madhubani, Pin Code-847109.

... .. Petitioner

Versus

1. Saroj Kumar Thakur, S/o Late Shyam Narayan Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani, Presently residing at Intalgarcha Road, Chirag Apartment, Flat No. 2 Kestopur, Police Station-Damdam, Kolkatta (West Bengal).
2. Bebi Devi, Widow of Late Vijay Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani, Presently residing at Intalgarcha Road, Chirag Apartment, Flat No. 2 Kestopur, Police Station-Damdam, Kolkatta (West Bengal).
3. Baua Thakur, S/o Late Vijay Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani, Presently residing at Intalgarcha Road, Chirag Apartment, Flat No. 2 Kestopur, Police Station-Damdam, Kolkatta (West Bengal).
4. Prakash Chandra Thakur, S/o Late Shyam Narayan Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani.
5. Atar Devi, Widow of Late Shyam Narayan Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani.
6. Shanti Devi, Wife of Abhay Nath Jha and daughter of Late Shyam Narayan Thakur, Resident of Village and Post Office-Nanaur, Police Station-Rudrapur, District-Madhubani.
7. Renu Devi, Widow of Late Anil Jha and daughter of Late Shyam Narayan Thakur, Resident of Village and Post Office-Mangrauni, Police Station-Madhubani, District-Madhubani.
8. Sarita Jha, Daughter of Late Jay Narayan Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani.
9. Archana Jha, Daughter of Late Jay Narayan Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani.
10. Bandana Jha, Daughter of Late Jay Narayan Thakur, Resident of Village-Bishtaul, Post Office-Nawani, Police Station-Jhanjharpur, District-Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Prasad
For the Respondent/s :



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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

13-01-2020

The present application has been filed *“for setting aside the order dated 12.06.2017 (Annexure-3) passed by the learned Munsif, Jhanjharpur in Title Suit No. 57/2000 whereby and whereunder petition dated 6.12.2014 filed by the original plaintiff (father of the petitioner) under Order 6 Rule 17 of the Civil Procedure Code for amendment in the plaint has been rejected.”*

2. Learned counsel for the plaintiff/petitioner submits that the learned court below ought to have allowed the amendment petition, which may be filed at any stage and the delay in this regard ought not to have come in the way of granting relief to the plaintiff/petitioner.

3. Having heard learned counsel for the plaintiff/petitioner and on consideration of materials on record, this Court is not inclined to interfere in the matter.

4. From a perusal of the impugned order dated 12.06.2017, it transpires that the suit was instituted in the year 2000 and the evidence of the plaintiff/petitioner had been closed in the year 2012 itself. The plaintiff/petitioner has attempted to set up a new claim on the basis of adverse possession instead of



title on the basis of *parcha*, as originally claimed.

4. It is well-settled that this Court does not sit in appeal over the impugned order while exercising jurisdiction under Article 227 of the Constitution of India, the scope whereof is primarily only to ensure that the learned court below acts within the bounds of its authority. No jurisdictional error in the impugned order has been pointed out by learned counsel for the plaintiff/petitioner. The petition accordingly stands disposed of.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17 .01.2020
Transmission Date	

