

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1610 of 2019

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Smt. Urmila Devi, aged about 40 years (female) Wife of Sri Shailendra Pandit Resident of Village- Belauni, P.S.- Korma, District- Sheikhpura.

... .. Plaintiff/Petitioner

Versus

1. Sahdeo Mahto Son of Late Damar Mahto Resident of Village- Belauni, P.S.- Korma, District- Sheikhpura.
2. Ranjan Mahto Son of Sahdeo Mahto Resident of Village- Belauni, P.S.- Korma, District- Sheikhpura.
3. Ram Mahto Son of Sahdeo Mahto Resident of Village- Belauni, P.S.- Korma, District- Sheikhpura.
4. Sagar Mahto Son of Sahdeo Mahto Resident of Village- Belauni, P.S.- Korma, District- Sheikhpura.
5. Laxman Mahto Son of Sahdeo Mahto Resident of Village- Belauni, P.S.- Korma, District- Sheikhpura.

... .. Defendants/Respondents

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Appearance :

For the Petitioner : Mr. Biresh Kumar Sinha, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-01-2020

The present petition has been filed “to quash/set aside the order dated 26.09.2019 passed by the learned A.C.J.M.-cum-S.J. Ist, Sheikhpura in T.S. No. 25 of 2018 whereby and whereunder the petition filed by the plaintiff under Order 6 Rule 17 read with Section 151 of C.P.C. has been rejected.”

2. Learned counsel for the plaintiff/petitioner submits that the title suit has been filed for declaring the title of the plaintiff/petitioner over the suit land which she had purchased through registered sale deed dated 19.09.2016 from one Bindu Devi. It is submitted that after filing of the defendants’ written statement, the plaintiff/petitioner came to know that she had been



cheated by her vendor Bindu Devi who has made forgery and concealed relevant facts. In this view of the matter, the amendment petition has been filed for impleading the said Bindu Devi as defendant 2nd set. It is submitted that the suit is at an initial stage and the amendment petition ought to have been allowed in order to determine the title of the plaintiff/petitioner as acquired from her vendor Bindu Devi, in the present suit itself in order to avoid multiplicity of litigation.

3. Having heard learned counsel for the plaintiff/petitioner and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The learned Court below has taken note in the impugned order dated 26.09.2019 that the plaintiff/petitioner has sought amendment of petition by incorporating fresh reliefs against the proposed defendant (respondent 2nd set) Bindu Devi by way of compensation and commercial interest. The valuation of the suit has also been sought to be amended from Rs. 2,00,000/- to Rs. 4,90,200/- with corresponding change in court fees. It has therefore been opined that the nature of amendment sought would change the nature of the suit itself from title suit to title suit cum money suit.

4. This Court does not find any illegality or infirmity in the impugned order dated 26.09.2019 passed by the learned Court below. The petition stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.01.2020
Transmission Date	N.A.

