

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1540 of 2018

Kiran Tiwari @ Smt. Kiran Devi Wife of Krishna Kant Tiwari, Resident of Village- Lahri, Tiwaridih, P.O.- Lahri Tiwaridih, P.S.- Piro, District- Bhojpur presently residing at Mohalla- Nilkothi, Town- Dehri, P.O. and P.S.- Dehri, District- Rohtas, Bihar 821307.

... .. Petitioner/s

Versus

1. Manju Devi, Daughter of Sarju Tiwari, Wife of Sri Kant Tiwari, Resident of Village- Itdhiyan, P.O.- Itdhiyan, P.S.- Karakat Gorari, District- Rohtas at present Mohalla- Nilkothi, Town- Dihri, P.O. and P.S.- Dihri, District- Rohtas.
2. Krishna Kant Tiwari, Son of Sarju Tiwari,
3. Urmila Devi, Daughter of Sarju Tiwari, Wife of Lakshman Dubey, Resident of Village- Kukshi, P.O.- Siwauk, P.S.- Noha, District- Rohtas.
4. Gunjan Devi, Daughter of Sarju Tiwari, Wife of Dadan Chaube, Resident of Village- Ghosiya, P.O.- Ghosiya, P.S.- Nokha, District- Rohtas.
5. Gita Devi, Daughter of Sarju Tiwari, Wife of Tirupati Bala Dubey, Resident of Village- Kukshi, P.O.- Siwawk, P.S.- Nokha, District- Rohtas.
6. Jitendra Tiwari, Son of Late Shiv Kumar Tiwari,
7. Satendra Tiwari, Son of Late Shri Kumar Tiwari,
8. Birendra Tiwari, Son of Late Shiv Kumar Tiwari,
9. Devendra Tiwari, Son of Late Shri Kumar Tiwari,
10. Sushil Kumar Tiwari, Son of Late Balaji Tiwari,
11. Vidyanand Tiwari, Son of Late Balaji Tiwari,
12. Baij Nath Tiwari, Son of Late Balaji Tiwari,
13. Manish Tiwari, Son of Sushil Kumar Tiwari,
14. Sandip Tiwari, Son of Vidya Nand Tiwari,
15. Pradip Tiwari, Son of Vidya Nand Tiwari,
16. Shubham Tiwari, Son of Baijnath Tiwari,
17. Nipun Tiwari, Son of Baijnath Tiwari,
18. Indra Mani Tiwari, Son of Late Suraj Kant Tiwari,
19. Chandra Shekhar Tiwari, Son of Late Suraj Kant Tiwari,
20. Muna Tiwari, So of Indramani Tiwari,
21. Most. Janki Kunwar, Wife of Late Yamuna Tiwari,
22. Sri Bhajwan Tiwari, Son of Yamuna Tiwari,
23. Vijay Tiwari, Son of Sri Bhajwan Tiwari, All residents 6 to 22 of Village- Lahri, Tiwari Dih, P.O.- Lahri Tiwaridih, P.S.- Piro, District- Bhojpur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Verma
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-10-2022 The petitioner is the defendant in Title Suit No. 743 of 2014, filed by the respondent no. 1-plaintiff for partition of the joint family property. In the said title suit, an amendment petition was filed by the respondent no. 1-plaintiff for addition of some of the plot numbers in the schedule of the plaint, which, according to the respondent no. 1-plaintiff, was not in her knowledge.

The learned Trial Court, by order, dated 16.03.2018, passed in Title Suit No. 743 of 2014, allowed the amendment of the plaint sought by the respondent no. 1-plaintiff on payment of cost of Rs. 300/- to be paid by the respondent no. 1-plaintiff.

Learned Counsel for the petitioner submits that the plots in question, which were part of the amendment, belongs to the Gayatri Parivar and as per the bye-laws of the Gayatri Parivar, which is registered with Bihar Religious Trusts Board, Patna, the land cannot be transferred in favour of anybody else.

I have heard Mr. Chandra Shekhar Verma, learned Counsel for the petitioner.

It appears that the pre-trial amendment has been sought by the respondent no. 1-plaintiff in the plaint on the



ground that certain joint family property were not in her knowledge and the amendment of the plaint has been allowed by the learned Trial Court and certain plot numbers have been directed to be added in the schedule of the plaint on cost.

So far as the contention of the petitioner that the property of the Gayatri Parivar cannot be a part of any title suit is concerned, the same will be decided on its own merit in course of trial and it is well settled law that the merit of the amendment cannot be gone into by the Court at the time of considering the amendment petition.

Thus, I do not find any infirmity in the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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