

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.44 of 2022

1. Jagdamba Tiwary son of Late Harihar Tiwari, Resident of Muhalla-Belhi Khas, P.S.-Kateya, District-Gopalganj.
2. Triloki Tiwary, Son of Late Harihar Tiwari, Resident of Muhalla-Belhi Khas, P.S.-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

1. Ganesh Tiwary son of Late Kaushal Kishore @ Tashila Tiwary, Resident of Belhi Khas, P.S.-Kateya, District-Gopalganj. Presently residing at Village and Post-Chagaliya, District Dhobari, Assam.
2. Babuna Tiwary, son of Bhagwan Dutt Tiwary, Resident of Karkataha, P.S.-Kateya, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Adv. Mr.Prince Kumar Mishra
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-06-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by the order, dated 03.12.2021, passed, by learned Sub Judge IX, Gopalganj, whereby application for amendment in the written statement filed by defendants-respondents has been allowed on payment of cost.

Learned Senior Counsel for the petitioner submits that the plaintiff-petitioner has filed partition suit (Title Suit No. 285 of 2009), in which earlier the defendants-respondents filed written statement, stating that the suit is not maintainable due to the claim of partial partition. However, by way of amendment,



the defendants-respondents changed their earlier stand and came out with a new plea that certain joint family properties have been left out by the plaintiff-petitioner; whereas, the properties, which the defendants-respondents are trying to include in the partition suit are the self-acquired properties of the plaintiff.

I have gone through the impugned order. It appears that the learned Court below has come to the conclusion that the amendment in the written statement sought by the defendants-respondents will not change the nature of the suit and further that for the purpose of arriving at the just decision of the suit, the amendment is fit to be allowed in the interest of justice.

Accordingly, I do not find any material irregularity or jurisdictional error in the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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