

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.71 of 2021

1. Anjali Devi W/o Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
2. Pammi Kumari Daughter of Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
3. Monu Kumar Son of Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
4. Sonu Singh @ Sonu Kumar Son of Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
5. Pammi Kumari Daughter of Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
6. Monu KUMar Son of Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

1. Most. Madhuri Devi W/o Late Jagdish Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda and at present resident of village- Nanand, P.o.- Nanand, P.s.- Silao, District- Nalanda
2. Dharmshila Devi W/o Mahendra Prasad Resident of village- Neemganj, P.o.- Biharsharif, P.s.-Biharsharif, District- Nalanda
3. Bipin Kumar Son of Late Doman Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
4. Ranjeet Kumar S/o Late Rambriksh Singh Resident of village- Pachasa, P.o.- Mora Talab, P.s.- Rahui, District- Nalanda
5. Ramji Prasad Son of Dharmo Mahto Resident of village- Nagma, P.o.- Tiuri, P.s.- Manpur, District- Nalanda
6. Madan Prasad Son of Dharmo Mahto Resident of village- Nagma, P.o.- Tiuri, P.s.- Manpur, District- Nalanda
7. Smt. Sannu Kumari Shrivastava W/o Navin Kumar Shrivastava Resident of village- Rau Bangra, P.s.- Ziradei, District- Siwan, at present of Mohalla- Kamruddinganj, P.o.- Biharsharif, P.s.- Laheri, District- Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar
For Res. No. 1	:	Mr. Subhen Sarkar
For Res. No. 2	:	Mr. Surendra Kumar
For Res. Nos. 3-7	:	Mr. Ravindra Kumar Sinha No. II
		Mr .Gajendra Nath Ojha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

ORAL



Date : 12-07-2022

Heard learned Counsel for the parties concerned.

2. The petitioners-plaintiffs have challenged the part of the order, dated 22.12.2020, passed by learned Sub Judge-VII, Nalanda, at Biharsharif, in Title Suit No. 80 of 2008, by which the amendment of the plaint sought by the petitioners-plaintiffs has been rejected.

3. Learned Counsel for the petitioners-plaintiffs submits that the respondent no. 1 has sold some of the suit land in favour of six purchasers, who have been added as party-defendants in the suit at the instance of the petitioners-plaintiffs.

4. The suit is of the year 2008 and the purchasers, at the instance of the petitioners-plaintiffs, were made parties in the suit in the year 2011 and 2013. The argument on behalf of the respondents-defendants has, now, closed and the argument on behalf of the petitioners-plaintiffs is going on. At this stage, the petitioners have filed the amendment petition, seeking amendment in the plaint to the extent that “since that suit property was sold during the pendency of the suit, as such, the same is barred by the doctrine enshrined under Section 52 of the Transfer of Property Act, 1882”. The learned Court below while rejecting the amendment application has observed that the Court will consider



this legal question of lis pendens at the time of final disposal of the suit.

5. In view of the aforesaid finding of the learned Court below, I do not find any illegality in the impugned order rejecting the amendment sought by the petitioners-plaintiffs. The learned Court below has not committed any jurisdictional error while passing the impugned order.

6. This application is, accordingly, dismissed.

7. There shall be no order to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-07-2022
Transmission Date	N/A

