

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.144 of 2018

Shiv Bachan Chaturvedi @ Shiv Bachan Chaubey S/o Late Ganga Dayal Choubey, Resident of Village- Bhagwanpur, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. Gulabo Devi W/o Late Ishwar Dayal Choubey,
2. Shiv Shankar Choubey,
3. Shiv Das Choubey,
4. Ravi Shankar Choubey,
5. Rama Kant Choubey, null
6. Shri Kant Choubey, All 2 to 6 sons of Late Ishwar Dayal Choubey, null
7. Ram Dayal Choubey, S/o Late Baliram Choubey,
8. Santosh Kumar Choubey, S/o Ram Dayal Choubey,
9. Shri Bhagwan Choubey, S/o Late Ganga Dayal Choubey, All are resident of Village- Bhagwanpur, P.S.- Rajpur, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 15-09-2022 Heard Mr. Ashwini Kumar Rai, learned counsel
for the petitioner.

Petitioner is plaintiff in a partition suit filed in the year 1994 bearing Title Suit No. 86 / 1994 and at the verge of disposal of the Suit inasmuch as argument of both the parties have almost concluded, the petitioner filed an amendment application on 18-09-2017 for amendment of



the plaint and add in paragraph-9 of the same that the document dated 27-05-1992 relating to partition is false and fabricated and the same is not binding over the plaintiff and further amendment has been sought in para- 2 of the relief to the extent that it should be added that the document dated 27.05.1992 is null and void.

Learned trial court considered the rival submissions advanced by the parties and the fact that both the parties have submitted documents dated 27.5.1992 in their favour and against them and the same has been exhibited as per law and the plaintiff- petitioner was having knowledge of the said document but he did not show any diligence earlier and did not seek to amend the plaint came to conclusion that the amendment sought is not bonafide and the same has been brought at the fag end of the suit in order to delay its disposal .

I have heard learned counsel for the petitioner and have gone through the impugned order. The facts are not disputed. The petitioner has filed amendment of the plaint at the fag end of the Title Suit when the Suit was at the verge of the disposal. Accordingly, I do not find any jurisdictional



jurisdictional error in the impugned order and as such, this
civil miscellaneous application stands dismissed.

(Anil Kumar Sinha, J)

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