

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.110 of 2018

Md. Samsadul Haque @ Md. Shamshad Son of Late Seikh Naim Resident of Village - Mohammadpur, P.O. - Jhitkahi, P.S. - Patahi, Via - Pachpakari, Distt - East Champaran.

... .. Petitioner/s

Versus

1. Manjarul Haque and Anr son of Late Seikh Naim Resident of Village - Mohammadpur, P.O. - Jhitkahi, P.S. - Patahi, Via - Pachpakari, Distt - East Champaran.
2. Khush Nuda Khatoon wife of Manjarul Haque, D/o Nesar Ali Resident of Village - Mohammadpur, P.O. - Jhitkahi, P.S. - Patahi, Via - Pachpakari, Distt - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 14-11-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by the order, dated 12.12.2017, passed in Partition Suit No. 731 of 2016, whereby learned Sub Judge VII, East Champaran, at Motihari, has rejected the amendment petition, dated 31.10.2017, filed by the petitioner.

The petitioner, who is the plaintiff, has filed the suit for partition of the joint family properties. In paragraphs 4 and 5 of the plaint, the petitioner-plaintiff has stated that the properties, which were acquired by the plaintiff and the defendants by virtue of gift deed, have already been partitioned,



meaning thereby, there was admission of partition of the properties acquired through gift deed between the plaintiff and the defendants, and by filing the amendment petition, dated 31.10.2017, the petitioner-plaintiff, now, wants to add the gifted properties, which have already been partitioned, which is not permissible.

Accordingly, I do not find any merit in this application.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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