

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.380 of 2020**

Upendra Narayan Yadav Son of Late MunniLalYadav Resident of Ward No. 1, Amarpur, Kahara, Police Station- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. Pavitri Devi Daughter of Late AsharfiYadav Resident of Amarpur, Police Station- Sonbersa, Katchari, District- Saharsa.
2. Savitri Devi Daughter of Late AsharfiYadav Resident of Amarpur, Police Station- Sonbersa, Katchari, District- Saharsa.
3. Kamal KishorYadav Son of Late Asharfi Yadav Resident of Village- Amarpur, Police Station- Sonbersa Kachahari, District- Saharsa.
4. Bhushan Kumar Yadav Son of Late Asharfi Yadav Resident of Village- Amarpur, Police Station- Sonbersa Kachahari, District- Saharsa.
5. Lalan Kumar Son of Late Asharfi Yadav Resident of Village- Amarpur, Police Station- Sonbersa Kachahari, District- Saharsa.
6. TurantiYadav son of Late MunniLalYadav Resident of Village- Amarpur, Police Station- Sonbersa, Kutchari, District- Saharsa.
7. JagdishYadav son of Late MunniLalYadav Resident of Village- Amarpur, Police Station- Sonbersa, Kutchari, District- Saharsa.

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 07-07-2022

Heard learned counsel for the petitioner.

Petitioner is aggrieved by order dated 29.05.2019 passed by the learned Sub Judge-V, Saharsa in Title Suit No. 178/2009 whereby amendment of the plaint filed by the plaintiff/respondent, Pavitri Devi has been allowed.

Learned counsel for the petitioner submits that the petitioner is defendant in the suit and is in possession of the suit property. From perusal of the impugned order, it appears that the



suit was filed for declaration of title along with other reliefs. However, amendment application has been filed by the plaintiff seeking amendment of plaint in the relief portion on the ground that by mistake of typist the relief regarding recovery of possession could not be added.

The learned trial court has allowed the amendment sought by the plaintiff on the ground that it is simple in nature and the same will not change the nature of the suit. Lastly, learned counsel for the petitioner submits that at least the petitioner/defendant may be allowed to file additional WS inasmuch as he is in possession of the suit property.

From perusal of the impugned order, it appears that the amendment of the plaint has been allowed after arriving at a conclusion by learned trial court that the relief sought for is simple in nature and it appears that the trial has not yet commenced. Accordingly, I do not find any illegality in the order impugned. This application is, hereby, rejected.

(Anil Kumar Sinha, J)

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