

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.258 of 2022

1. Chandramani Devi Wife of Saraju Mehta, Resident of Village- Jagabigha, Ancahha, P.O. - Anchha, P.S. - Daudnagar, District- Aurangabad.
2. Saraju Mehta Son of Late Yadu Nandan Mehta, Resident of village - Jagabigha, Ancahha, P.O. - Anchha, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. Smt. Sita Devi Wife of Jitendra Kumar Singh, Resident of Village - Anchha Tola, Jagabigha, P.O. - Anchha, P.S. - Daudnagar, District - Aurangabad.
2. Kanhai Singh Son of Late Ramchandra Mehta, Resident of Village- Jagabigha, Ancahha, P.O. - Anchha, P.S. - Daudnagar, District- Aurangabad.
3. Most. Chinta Kuer W/o Late Bishundeo Mehta Resident of Village- Jagabigha, Ancahha, P.O. - Anchha, P.S. - Daudnagar, District- Aurangabad.
4. Smt. Baijanti Devi Wife of Shri Bijendra Singh, Resident of Village - Anchha Tola, Jagabigha, P.O. - Anchha, P.S.- Daudnagar, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 28-06-2022 Heard learned counsel for the parties.

In the instant petition, petitioners have assailed the order dated 23.03.2021 passed by the learned Sub Judge – IV Aurangabad in Title Suit Case No. 216 of 2012 by which petitioners’ interlocutory application for amendment of suit/plaint filed on 07.03.2019 under Order VI Rule 17 read with Section 151 of C.P.C. Suit Case No. 216 of 2012 is for declaration.

Defendant – respondent filed written statement on



17.04.2013, thereafter, the petitioners/plaintiffs could have filed amendment of plaint within a reasonable period of time.

The learned Sub Judge has taken note of the factual aspects of the matter and found that the petitioners/plaintiffs intention is only to drag the matter. In the light of reasoned order of the learned Sub Judge IV Aurangabad, the petitioners could not apprise this Court in explaining delay in filing Interlocutory Application for amendment of plaint. In the result, petitioners have not made out the case.

Accordingly, petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

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