

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.682 of 2022

1. Upendra Kumar Singh @ Bambhola Singh Son of Late Jangbahadur Singh resident of Village- Pathar, P.S.- Piaro, District- Bhojpur at present Paliganj, P.O. and P.S.- Paliganj, District- Patna.
2. Jai Shankar Singh @ Shailendra Singh Son of Late Jangbahadur Singh resident of Village- Pathar, P.S.- Piaro, District- Bhojpur at present Paliganj, P.O. and P.S.- Paliganj, District- Patna.
3. Jitendra Singh @ Jitendra Kumar Son of Late Jangbahadur Singh resident of Village- Pathar, P.S.- Piaro, District- Bhojpur at present Paliganj, P.O. and P.S.- Paliganj, District- Patna.
4. Shakuntla Devi Wife of Late Jangbahadur Singh resident of Village- Pathar, P.S.- Piaro, District- Bhojpur at present Paliganj, P.O. and P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. Sri Birendra Prasad Yadav Son of Ram Japit Yadav resident of Village- Dih Pali, P.O. and P.S.- Paliganj, District- Patna.
2. Smt. Manju Devi Wife of Jainath Singh resident of Village- Panipur, P.O.- Ranipur, P.S.- Paliganj, District- Patna.
3. Parshuram Paswan Son of Late Bishu Paswan resident of Village- Paliganj, P.O. and P.S.- Paliganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-11-2022 Petitioners are the plaintiffs in a suit filed for declaration of title and setting aside the sale deed dated 27.12.2001 as forged, fabricated, sham and inoperative and is not binding upon the plaintiffs. Subsequently, a petition for amendment was filed by the plaintiffs by which the area of suit land was changed from 15 *Dhoors* to 27 decimal vide order dated 2.9.2019. Now another amendment has been filed which



is subject matter of this case, by which, the petitioner sought to amend the plaint by adding in the relief portion of the plaint that any sale deeds executed by descendants of Dularchand Dusadh after the year 1956 be declared as null and void without giving the details of the sale deed, description of the properties and parties therein in the sale deed, meaning thereby, the petitioners/plaintiffs sought to amend the plaint and prayer portion without adding the details of the sale deeds, other details of the properties sold and their purchasers.

The learned Trial Court has rejected the amendment petition on the ground that the details of the property and the sale deeds have not been mentioned in the amendment petition and a sweeping amendment has been sought for declaration of all the sale deeds as null and void executed by descendants of Dularchand Dusadh after the year 1956, and certainly, the same will cause prejudice to the parties and shall also change the nature of the suit.

I have heard learned counsel for the petitioner and have gone through the materials available on record. A sweeping/blanket amendment has been sought by the plaintiffs in the prayer portion of the plaint for setting aside all the sale deeds executed by descendants of Dularchand Dusadh after the



year 1956 without giving any details of the sale deeds as well as other details. In my opinion, if such blanket and vague amendment is allowed, definitely it will cause prejudice to the defendant.

Accordingly, the impugned order does not require any interference by this Court.

In the result, this application stands dismissed.

(Anil Kumar Sinha, J)

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