

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1656 of 2018**

Sanjay Yadav @ Sanjay Kumar Yadav and Ors

... .. Petitioner/s

Versus

Pyare Devi and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-10-2022 Heard learned Counsel for the petitioners.

The petitioners are the defendants in Partition Suit No. 472 of 2014, filed by the respondent no. 1-plaintiff and has challenged the order, dated 14.05.2018, passed by learned Sub Judge-I, Aurangabad, by which the amendment petition filed by the respondent no. 1-plaintiff has been allowed.

Learned Counsel for the petitioners submits that earlier also, an amendment petition was filed by the respondent no. 1-plaintiff, which was allowed by the learned Trial Court. The petitioners had challenged the said order before this Court and the said order was upheld. Again, an amendment petitioner has been filed by the respondent no. 1-plaintiff for adding some plots in Schedule 'C' of the plaint, which has also been allowed by the impugned order. He further submits that no reason has been assigned in the order impugned and which plots have been



directed to be included in Schedule 'C' of the plaint is also not described in the impugned order by the learned Trial Court. He further submits that the respondent no. 1-plaintiff has wrongly claimed that she is member of the joint family and Ganesh Ahir is her great grandfather.

I have heard learned Counsel for the petitioner and have perused the impugned order.

From perusal of the impugned order, it appears that the learned Trial Court has allowed the amendment petition filed by respondent no. 1-plaintiff and from perusal of the said amendment petition, it appears that the proposed amendment has been properly mentioned in paragraph 4 of the amendment petition. The respondent no. 1-plaintiff has sought to add two plots in Schedule 'C' of the plaint, which are mentioned in the amendment petition, as proposed amendment.

Insofar as the contention of the petitioners that the respondent no. 1-plaintiff is not a member of the joint family is immaterial for deciding the amendment petition inasmuch as this aspect of the matter can be decided in course of the trial as to whether the respondent no. 1-plaintiff is entitled for any share in the family property or not.

Thus, I do not find any infirmity in the impugned



order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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