

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.33 of 2018

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Laxmi Yadav S/o Late Basudeo Yadav, resident of Village- Kajrain, P.O.-
Pirounta, P.S. Nabi Nagar, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. Rajiv Kumar Singh
2. Sanjeev Kumar Singh
3. Ranjit Kumar Singh
4. Sanjeet Kumar Singh
5. Kalawati Devi, W/o Late Kaheshwar Singh All 1 to 5 residents of Karma
Salaya, P.O.- Piraunta, P.S. Nabinagar, District- Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Verma
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 01-08-2022 Heard Mr. Anirudh Kumar Verma, learned counsel for
the petitioner.

The petitioner is aggrieved by the order dated
04.08.2017 passed by the learned trial court in Title Suit No.
321 / 2012 / 121 / 2015 by which the petition for amendment of
plaint filed by the plaintiff -respondent has been allowed.

Learned counsel for the petitioner submits that the suit
was filed for declaration of title by the plaintiff-respondent upon
the land described in Schedule-I bearing Khata No. 10, Plot No.
85 having an area of 8 Katha and 6 Dhur. He further submits
that after five years of filing of the suit amendment has been



sought by the plaintiff-respondent by which the plaintiff sought to add another plot in the 1st paragraph of the plaint the description of which has not been there in Schedule-1 of the plaint. He further submits that the ground for amendment stated by the plaintiff in his petition is that after filing of the written statement by the defendant in the year 2016 the amendment of the plaint has become necessary.

I have heard learned counsel for the petitioner and have gone through the material on record along with the impugned order. From perusal of the plaint it appears that respondent-plaintiff has sought declaration of title upon a piece of land and has also stated that the father of the plaintiff had purchased the Schedule-I property along with other properties. By way of amendment the plaintiff has only inserted the other properties purchased by the plaintiff's father giving the description of the land as Khata No. 12, Plot No. 1 having an area of 2 Bigha 14 Katha.

From perusal of the amendment application, I am of the opinion that it will not change the nature of the suit. In order to prevent multiplicity of the suit and to advance the cause of justice, I do not want to interfere with the impugned order passed by learned trial court.



Accordingly, this civil miscellaneous application
stands dismissed.

(Anil Kumar Sinha, J)

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