

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1089 of 2018**

1. Prema Devi, wife of Late Indra Kumar Saha, resident of Mohalla Aliganj, Near Durga Ashthan Bounsi Road, P.O. Mirjanhat, P.S. Mojahidpur, District Bhagalpur.
2. Pawan Shekhar @ Pawan Shekhar Saha, son of Late Indra Kumar Saha, resident of Mohalla Aliganj, Near Durga Ashthan Bounsi Road, P.O. Mirjanhat, P.S. Mojahidpur, District Bhagalpur.
3. Shashi Shekhar @ Shashi Shekhar Saha, son of Late Indra Kumar Saha, resident of Mohalla Aliganj, Near Durga Ashthan Bounsi Road, P.O. Mirjanhat, P.S. Mojahidpur, District Bhagalpur.

... .. Petitioner/s

Versus

1. Bharat Narayan Sah, Son of late Surya Narayan Sah, resident of Mohalla Moinuddinchak Mundichak, P.S. Kotwali, Town and District Bhagalpur.
2. Smt. Neelam Devi, wife of Sri Bharat Narayan Sah resident of Mohalla Moinuddinchak Mundichak, P.S. Kotwali, Town and District Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Deepak Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

12 06-07-2023 Heard learned counsel for the parties.

2. This Civil Miscellaneous Application has been filed for quashing the order dated 27.06.2018 passed by learned Munsif-II, Bhagalpur in Title Eviction Suit No. 21 of 2003 whereby and whereunder the learned trial Court dismissed the application for amendment in written statement.

3. Learned counsel for the petitioners submits that the defendants / petitioners filed the amendment petition for certain



amendment in written statement which are formal in nature and does not the change the nature of suit or prejudice the case of the plaintiff and the learned trial court on the ground of delay rejected the said petition ignoring that the delay in disposal of suit has not been caused by the defendants / petitioners.

4. On the other hand learned counsel for the respondents submits that the suit is pending since 2003 in which earlier also the petitioners had filed amendment in written statement which was rejected by the learned trial Court and was confirmed by this court vide order dated 12-07-2016 in Civil Misc. Jurisdiction Case No. 10849 of 2014. Further, he submits that the petitioners in the petition dated 27.06.2018 filed under Order 6 Rule 17 C.P.C. failed to disclose that why the said petition was not filed earlier. The said petition is *mala fide*, without any substance and the learned trial court has rightly rejected the same.

5. Having heard the learned counsel for the parties and perused the material on record and the impugned order, it appears that the learned trial Court observed that the defendants / petitioners are not cooperating the trial Court and in the petition they have not disclosed the reason for such inordinate delay and rejected the same by reasoned order.



6. This Court does not find any jurisdictional error or illegality or perversity in the impugned order passed by the trial Court for interference by this Court in its supervisory jurisdictions under Article 227 of the Constitution of India.

7. Accordingly, this Civil Miscellaneous Application is dismissed.

(Sunil Dutta Mishra, J)

ashutosh/-

U			
---	--	--	--

