

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.676 of 2018

Ram Kishore Singh Son of Late Ganesh Singh, Resident of Village-Karah,
P.O. Harpur Karah, Pragana Goa, P.S. Baniyapur, District-Saran.

... .. Petitioner/s

Versus

1. Kanti Devi Daughter of Late Ram Naresh Singh and Wife of Kameshwar Singh, Resident of Village-Eksar, P.O. and P.S. Rasulpur, District-Saran.
2. Ramawati Devi, Daughter of Late Ram Naresh Singh and Wife of Man Mohan Singh.
3. Chandrawati Devi, Daughter of Late Ram Naresh Singh and Wife of Amleshwar Singh. Respondent Nos. 2 and 3 Resident of Village-Kaparpura, P.O. P.S. Mirganj, District- Gopalganj.
4. Dr. Ajay Bahadur Singh, Son of Late Ram Prasann Singh, Resident of Village-Karah, P.O. Harpur, P.S. Baniyapur, District Saran at Present Loha Garh Tea Estate, P.O. and P.S. Belgachhi, District Darjeeling, West Bengal.
5. Vijay Bahadur Singh, Son of Late Ram Prasann Singh, Resident of Village-Karah, P.O. Harpur karah, P.S. Baniyapur, District Saran, at Present Barhariwa Krishi Utpadan Samiti, P.O. and P.S. Barharwa District Sahebganj.
6. Anita Kuer, Wife of Late Raghu Bansh Narayan Singh, Resident of Village-Karah P.O. Harpur, P.S. Baniyapur, District Saran at Present Village and P.O. Parauna, P.S. Taraiya, District-Saran.
7. Dinesh Singh
8. Bhirgu Singh Sons of Late Baij Nath Singh
9. Rameshwar Singh
10. Biran Singh
11. Sushil Kumar Singh, Son of Late Raj Nandan Singh. Respondent nos. 7 to 11 Resident of Village-Karah, P.O. Harpur, P.S. Baniyapur, District-Saran.
12. Madhu Bala, Wife of late Srawan Singh and Daughter of Late Ram Prasann Singh, Resident of Village-Ram Nagar, P.S. Bairiya, District Ballia U.P..
13. Umrawari devi, Wife of Upendra Singh and Daughter of Late Ram Prasann Singh, Resident of Village-Pipara, P.S. Andar, District-Siwan.
14. Sudama Singh
15. Rajendra Singh Sons of Late Raj Nandan Singh Resident of Village-Karah, P.O. Harpur, P.S. Baniyapur, District Saran.



16. Raj Kishore Singh, Son of Late Ganesh Singh, Resident of Village-Karah,
P.O. Harpur, P.S. Baniyapur, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai
For the Respondent/s : Mr. Dhananjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 01-09-2023 Heard the parties.

2. This application has been filed for set aside the order dated 26.02.2018 (Annexure-5) passed by S. J. 11th Chapra in T.S. No. 29 of 1997 and allow amendment petition dated 27.11.2017 (Annexure-3) filed by the petitioner and the respondent 4th set.

3. The amendment application dated 27.11.2017 filed by the defendant changing the date of death of Gaya Singh has been rejected.

4. Learned counsel for the plaintiff submitted that the same is sought to be changed after 30 years.

5. In my opinion, the amendment will not change the nature of the suit and the defendant may be permitted to make this amendment in the interest of justice.

6. The order dated 26.02.2018 is hereby quashed and the application dated 27.11.2017 is allowed.

7. The Sub Judge concerned is directed to conclude



the suit which is of year 1997 within one year of receipt of copy of this order.

8. In view of the amendment, the plaintiff has all the right to rebut the same including the recall of the witnesses.

9. In view of above, this application is disposed of.

(Sandeep Kumar, J)

Ranjeet/-

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