

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.735 of 2018

Neeraj Kumar Megotia @ Niraj Kumar S/o Late Radhe Shyam Megotia,
resident of Mohalla- Nauranga, Ward No. 8, Patel Path, Begusarai, Municipal
Area, P.O. Begusarai, P.S. Town, Sub- Registry, Subdivision and District-
Begusarai.

... .. Petitioner/s

Versus

1. Kaushal Kishore Singh S/o Late Braj Mohan Pd. Singh resident of Nawkothe, P.O., P.S. Nawkothe, Sub- Registry, Sub- Division Bakhari also reading within the Municipal Area of Begusarai within Ward No. 17, Kachahari Road, Begusarai, P.O. Begusarai, P.S. Town, S.R., S.D. and District Begusarai.
- 2.1. Gaurav Gautam S/o Late Kamal Kishore Singh, R/o Nawkothe, P.O. P.S. Nawkothe, Sub- Registry, Sub- Division Bakhari also residing with the Municipal area of Begusarai Within Ward No. 17, Kachahari Road, Begusarai, P.O. Begusarai, P.S. Town, S.R., S.D. and Dist. Begusarai.
3. Geeta Sinha, W/o Kaushal Kishore Singh resident of Nawkothe, P.O., P.S. Nawkothe, Sub- Registry, Sub- Division Bakhari also reading within the Municipal Area of Begusarai within Ward No. 17, Kachahari Road, Begusarai, P.O. Begusarai, P.S. Town, S.R., S.D. and District Begusarai.
5. Smt. Bina Devi, W/o Devendra Singh resident of Village- Asrahpur Tola, P.S. Barauni, District- Begusarai.
6. Smt. Seeta Sinha, W/o Manoj Kumar resident of Village- Asrahpur Tola, P.S. Barauni, District- Begusarai.
7. Smt. Priti Devi, W/o Binod Kumar resident of Village- Asrahpur Tola, P.S. Barauni, District- Begusarai.
8. Puja Singh W/o Sanjay Kumar resident of Village- Asrahpur Tola, P.S. Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Puneed, Advocate
For the Respondent/s	:	Mr. Uday Shankar Sharma, Advocate
		Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

20 28-08-2023

Heard learned counsel for the parties.

The order dated 16.12.2017 passed by the Munsif Begusarai is under challenge. By the impugned order, the Amendment petition filed by the petitioner has been dismissed. Initially, an application was filed for declaration of Title. During pendency of the Title Suit, the W.S. was filed by the defendant



in which they have pointed out that the possession is now not there with the plaintiff. Subsequently, after some delay, the plaintiff has filed an application for Amendment under Order VI Rule XVII.

The same has been dismissed.

Learned counsel for the petitioner has submitted that the Amendment does not change the nature of the Suit and it should have been allowed by the Munsif.

Learned counsel for the defendants, Sri Uday Shankar Sharma submits that there is a delay in the filing of the petition of Amendment, and therefore, it has been rightly rejected by the Munsif.

I have considered the submissions of the parties.

The Amendment short for doesn't change the nature of the Suit it has been filed during the pendency of the Suit itself.

I am of the view that in the interest of justice, the Amendment should be allowed and the same doesn't change the nature of the Suit.

Accordingly, this application is allowed.

The application dated 6.11.2014 filed by the plaintiff-petitioner is allowed.



It has been submitted by the learned counsel for the plaintiff that the Title Suit is pending since the year 2003.

It is directed that the Munsif will proceed in the Suit expeditiously and dispose of the Suit within a year from the date of receipt of a copy of a order of this Court. The Munsif will proceed *ex parte* against the non-cooperating party.

(Sandeep Kumar, J)

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