

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.598 of 2022

1. Ramakant Kuwar Son of Late Rameshwar Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
2. Umakant Kuwar Son of Late Rameshwar Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
3. Sanjay Kumar @ Sanjay Kuwar, Son of Parsuram Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
4. Sanjeev Kumar @ Sanjeev Kuwar Son of Parsuram Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
5. Pratibha Devi Wife of Late Sunil Kumar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
6. Ram Kumar @ ramkumar Kuwar Son of Late Rajendra Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
7. Pawan Kumar @ Pawan Kumar Kuwar Son of Late Rajendra Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
8. Satya Narayan Kuwar Son of Late Rajendra Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
9. Deepak Kumar @ Deepak Kuwar Son of Late Sunil Kumar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
10. Pankaj Kumar @ Pankaj Kumar, Son of Late Sunil Kumar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
11. Ashwani Kumar @ Ashwani Kuwar Son of Late Gaya Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
12. Nirmal Chandra Kumar @ Nirmal Chandra Kuwar Son of Late Naresh Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
13. Santosh Kumar Son of Late Krishna Kumar Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
14. Rajmanti devi Wife of Late Krishna Kumar Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.



15. Bharti Devi Daughter of Late Krishna Kumar Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
16. Sharban Kumar Son of Late Rajendra Kuwar Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division-Begusarai, District-Begusarai.
17. Sarbesh Kumar Son of Late Krishna Kuamr Singh Resident of Village-Etwa, Post Office-Dumri, Police Station-Begusarai Muffasil, Pargana Malki, Sub Division- Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. Smt. Nilu Devi Wife of Shambhu Singh Resident of Village-Ayodhya, Post Office and Police Station and Sub Division-Teghra, Pargana-Malki, District-Begusarai.
2. Ram Kumari Devi Wife of Pramod Singh Resident of Village-Ramdiri Tola Nakti, Post Office-Ramdiri, Police Station-Matihani, Pargana-Malki, Sub Division-Begusarai, District-Begusarai.
3. Mahendra Rai Son of Late Balo Rai Resident of Village-Pipra, Post Office-Dumri, Paragana- Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
4. Hare Ram Rai Son of Late Balo Rai Resident of Village-Pipra, Post Office-Dumri, Paragana- Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
5. Ramakant Rai Son of Brahmdeo rai Resident of Village-Pipra, Post Office-Dumri, Paragana- Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
6. Ram Narayan Rai Son of Sri Ram Rai Resident of Village-Pipra, Post Office-Dumri, Paragana- Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
7. Lal Narayan Rai Son of Sri Ram Rai Resident of Village-Pipra, Post Office-Dumri, Paragana- Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
8. Abnish Son of Rajdeo Kuwar Resident of Village-Etwa, Post Office-Dumri, Pargana-Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
9. Manoj Son of Rajdeo Kuwar Resident of Village-Etwa, Post Office-Dumri, Pargana-Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
10. Ramashray Rai Son of Meghraj Rai Resident of Village-Etwa, Post Office-Dumri, Pargana-Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
11. Durgesh Kumar Son of Rajneeti Prasad Singh Resident of Village-Nayagaon, Police Station-Parbatta, Post Office-Nayagaon, District-Khagaria.
12. Sita Ram Kuwar Son of Late Gopi Kuwar Resident of Village-Etwa, Post



Office-Dumri, Pargana-Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.

13. Ram Charitra Kuwar Son of Late Gopi Kuwar Resident of Village-Etwa, Post Office-Dumri, Pargana-Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.
14. Bimal Chandra Kuwar Son of Naresh Chandra Kuwar Resident of Village-Etwa, Post Office-Dumri, Pargana-Malki, Police Station-Begusarai Muffasil, Sub Division-Begusarai, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha
For the Respondent/s : Mr. Amar Anand

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-09-2023 Heard the parties.

2. Hard copy of the petition filed by learned counsel for the petitioners is taken on record.

3. The present application has been filed for setting aside the order dated 13.05.2022 passed in Title Suit No. 80 of 2007 by learned Sub Judge-I, Begusarai under which he has dismissed the amendment petition dated 21.12.2012 filed by the plaintiffs.

4. It has been submitted by learned counsel for the petitioners/plaintiffs that the amendments are *bona fide*, the amendment sought for do not change the nature of the suit and the suit is at an early stage of evidence.

5. Learned counsel for the defendants has opposed the application and has submitted that the amendment has been filed



mala fide, it changes the nature of the suit and it is a delaying tactic and filed after a delay.

6. I have considered the submission of the parties and in my view the amendment sought for should have been allowed by the court below as the amendment does not change the nature of the suit and the amendment is *bona fide* and the suit is still in its initial stage.

7. In view of the law laid down by Hon'ble Supreme Court in the case of *Life Insurance Corporation of India vs. Sanjeev Builders Private Limited & Anr. 2022 SCC 4277*, this application is allowed.

8. The court below is directed to conclude the suit within one year of the receipt of the copy of this order without granting unnecessary adjournments to any of the parties. The court below will proceed *ex-parte*.

(Sandeep Kumar, J)

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