

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.923 of 2018

1. Suman Singh and Anr Son of Late Bindeshwar Singh.
2. Kamla Devi @ Kamla Kuer, Wife of Late Bindeshwar Singh. Both residents of Village- Mira Museari, P.O.- Khaira, P.S. Chapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

1. Yogendra Singh and Ors
2. Budhan Singh
3. Sudhan Singh Sl.Nos. 1 to 3 Sons of Late Rajrup Singh.
4. Most. Nirmala Devi, widow of Late Harendra Singh.
5. Guddu Singh
6. Vijay Kumar Singh Sl.Nos. 5 and 6 Sons of Late Harendra Singh, All residents of Village- Mira Museari, P.O.- Khaira, P.S. Chapra Muffasil, District- Saran.
7. Rajeshwari Devi, Daughter of Dharmnath Pandey and wife of Parshuram Pandey, resident of Village- Marahiyan, P.O. Khaira, P.S. Chapra Muffasil, District- Saran.
8. Rajendra Singh,
9. Shailendra Singh Sl.Nos. 8 and 9 Sons of Late Bindeshwar Singh, residents of Village- Khaira, P.S. Chapra Muffasil, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey
For the Respondent/s	:	Mr. Raushan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

15 31-08-2023 By the impugned order, the amendment sought for by the petitioner who is the plaintiff has been rejected only on the ground that the case is pending for arguments.

I have heard the learned counsel for the petitioners and learned counsel for the respondents.

Learned counsel for the respondents has opposed the application and has submitted that there is delay in filing the amendment petition and the same should not be allowed.

The amendment sought for do not change the



nature of the Suit and I am of the view that these amendments can be allowed in light of the judgment of the Hon'ble Supreme Court in the case of *Life Insurance Corporation of India vs. Sanjeev Builders Private Limited 2022 SC 4277*.

The impugned order dated 15.02.2018 in T.S. No. 36 of 1991 passed by Munsif-I, Chapra is hereby quashed.

The respondent no.7 – defendant no.3 is given right to rebut, and if required, he may lead further evidence or call his witnesses as it has been submitted by the petitioners that they do not want to call their witnesses.

With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

Guddu/-

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