

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1065 of 2018

Krishna Kumari Devi Wife of Late Mahanth Raghunath Das, resident of Mohalla- Ward No. 3 Old New Ward No. 2 New, Sitamarhi Municipality, P.O. and P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. Raj Kishore Mandal and Ors Son of Shambhu Mandal,
2. Murari Mandal, S/o Shambhu Mandal, Both Residents of Mohalla- Murgiya Chak, P.O. and P.S.- Sitamarhi, District- Sitamarhi.
3. The State of Bihar through the Principal Secretary Revenue Department, Bihar, Patna.
4. Anchal Adhikari, Sitamarhi, P.O. and P.S.- Sitamarhi, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sushanta Kumar Das
For the Respondent/s : Mr.Md.Khurshid Alam -Aag12

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

14 31-08-2023 Heard the parties.

2. This petition has been filed for quashing the order dated 11.04.2018 passed by Sub-Judge-I, Sitamarhi in Title Suit No. 67 of 2003 by which the learned Judge has rejected the amendment sought for by the petitioner in the plaint.

3. Learned counsel for the petitioner has submitted that the Sub-Judge-I, Sitamarhi has rejected the amendment considering the fact that the land in question was earlier a subject matter of Partition Suit No. 83 of 1982 and therefore, the amendment cannot be allowed.



4. Learned counsel for Respondent No. 01 and 02 has submitted that the amendment application has rightly been rejected as the plot in question was part of an earlier suit and the same has been upheld till the High Court.

5. I have heard the learned counsel appearing for the parties.

6. In my opinion, the amendment sought for does not change the nature of the Suit and therefore I am of the view that the amendment should have been allowed.

7. Accordingly, the order dated 11.04.2018 passed by Sub-Judge-I, Sitamarhi in Title Suit No. 67 of 2003 is hereby quashed.

8. The respondents will have liberty to oppose all the contentions made by the plaintiff in the title suit including the fact that plot in question was earlier a subject matter of the partition suit and the same has been upheld till this Court.

(Sandeep Kumar, J)

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