

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.317 of 2024**

Rabita Tiwari C/o Santosh Kumar Tiwari Resident of Ward no.-08 Repura,  
P.S.-Waini, District-Samastipur.

... .. Petitioner/s

Versus

1. Ramakant Ray S/o Ganaur Ray Secretary, Samastipur Vikas Mandal Chakle Waini, P.S.-Waini OP, Block-Pusa District-Samastipur
2. Sunila Kumari W/o Sanjay Kumar Resident of Wakle Waini P.S.-Waini, District-Samastipur
3. Ram Dulari Devi Wife Late Sita Ram Pandey R/o Village-Hasanpur Sagma @ Chaita, P.S.-Angarghat, District-Samastipur.
4. Amod Kumar S/o Late Sita Ram Pandey R/o Village-Hasanpur Sagma @ Chaita, P.S.-Angarghat, District-Samastipur.
5. Pramod Kumar Pandey S/o Late Sita Ram Pandey R/o Village-Hasanpur Sagma @ Chaita, P.S.-Angarghat, District-Samastipur.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                          |
|----------------------|---|--------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Ashish Anand, Adv.<br>Mr. Abhay Kumar, Adv<br>Mr. Abhishek Mani, Adv. |
| For the Respondent/s | : | Mr.                                                                      |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL JUDGMENT**

**Date : 24-06-2025**

Heard learned counsel for the petitioner and I intend to dispose of the present petition at the stage of admission itself.

2. The petitioner is aggrieved by the order dated 01.11.2023 passed by learned Sub Judge I, Samastipur in Title Suit No. 182 of 2019 whereby and whereunder the learned trial court allowed the amendment application of the plaintiff/respondent 1<sup>st</sup> set.

3. Learned counsel for the petitioner submits that respondent nos. 1 and 2 are plaintiffs and petitioner is defendant



no. 1 before the learned trial court. While allowing the amendment, the learned trial court has not exercised its jurisdiction properly and allowed the amendment in the plaint which completely changes the nature and scope of the suit. Learned counsel further submits that after amendments, the relief sought for are changed. Learned counsel further submits that initially the cause of action was mentioned to have arisen in the year 2019 but by the amendment, the said cause of action was extended till 24.05.2022. Learned counsel further submits that written statement has already been filed on behalf of the defendant/petitioner and he would be greatly prejudiced if impugned order allowing the amendment is not set aside.

4. Perused the record.

5. From perusal of record it is evident that when the amendment was allowed the suit was at its initial stage and trial has not commenced. However, the amendment have been allowed subject to payment of cost of Rs.1500. A number of amendments have been sought for by the plaintiffs and the learned trial court allowed those amendments. The suit was initially filed seeking cancellation of Sale Deed No. 17594 dated 27.11.2018. Further relief has been sought for specific performance of agreement of sale dated 21.12.2003. Permanent



injunction has also been sought against the defendants for restraining them to enter or interfere with the property of Schedule I land. Now, vide the amendment, the plaintiff has sought the relief of declaration of title over Schedule 3 land and house and recovery of possession. The said relief cannot be said to be something which is contrary to the relief already sought for by the plaintiff. Amendments are allowed as a matter of policy to avoid multiplicity of litigation and also on the principles that all the issues between the parties should be agitated and adjudicated in one suit. Pre-trial amendments are allowed liberally. Learned counsel for the petitioner though, time and again, submits that the nature of the suit would change but has failed to point out in what manner the nature of the suit would change. In the present case, as the amendments do not appear to be *mala fide* or causing prejudice to the other side, such amendments could be allowed and on the same line order was passed by the learned trial court though without mentioning any reason. In any case, the order does not suffer from any infirmity or excess of jurisdiction as claimed by the learned counsel for the petitioner and hence order dated 01.11.2023 is affirmed.

6. However, the learned trial court is directed to



provide ample opportunity to the defendants in filing additional/amended written statement in the light of new facts which has been incorporated in the plaint by way of amendment.

7. Accordingly, the present petition stands disposed of in terms of the aforesaid direction.

**(Arun Kumar Jha, J)**

Anuradha/-

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| AFR/NAFR          | NAFR       |
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