

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1115 of 2023**

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Ganga Prasad Mandar son of Late Ram Bahadur Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.

... .. Petitioner/s

Versus

1. Maya Shankar Mandar son of Lal Bahadur Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
2. Surendra Mandar, son of Late Ram Lakhan Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
3. Ashok Mandar, son of Late Ram Lakhan Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
4. Satyendra Mandar, son of Late Ram Lakhan Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
5. Lal Bihari Mandar, son of Late Ram Lakhan Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
6. Raj Kishore Mandar, son of Late Ram Lakhan Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
7. Bhushan Mandar son of Late Awadh Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
8. Ajay Mandar, son of Mahesh Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
9. Bipin Mandar, son of Mahesh Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
10. Lalit Mandar, son of Shivji Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
11. Santosh Mandar, son of Shivji Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
12. Paritosh Mandar, son of Shivji Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
13. Birendra Mandar, son of Ram Bahadur Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
14. Ranveer Mandar, son of Ram Bahadur Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
15. Gauri Mandar, son of Ram Bahadur Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
16. Roshan Mandar, son of Pramod Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
17. Deepak Mandar, son of Pramod Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.
18. Sumitra Devi, Wife of Late Pramod Mandar, Resident of Village-Khangraitha, Police Station-Hayaghat, District-Darbhangha.



... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Bidhanesh Misra, Advocate  
For the Respondent/s : Mr.Dhanendra Chaubey, Advocate

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

**Date : 10-04-2025**

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 22.08.2023 passed by Sub Judge V, Darbhanga in Title Suit No. 329 of 2016 whereby and whereunder the learned Sub Judge allowed the petition dated 14.09.2018 filed by the plaintiff seeking amendments in the plaint.

3. Learned counsel for the petitioner submits that the petitioner is the defendant 2<sup>nd</sup> set and respondent no. 1 is the plaintiff. The plaintiff has filed the Title Suit bearing no. 329 of 2016 seeking declaration of title over Schedule-1(Ga) which is part of Schedule 1 property of the plaint while further claiming that defendants have no concern with the same. The plaintiff also prayed for recovery of possession if the plaintiff was dispossessed during pendency of the suit and has also sought correction in the survey entry with regard to the suit land. The defendants appeared after notice and defendant nos. 2 and 8-14 filed written statement denying the claim of the plaintiff. Learned counsel further submits that defendant categorically



stated in the written statement that the claim of the plaintiff on the basis of Partition Suit No. 80 of 1969 and subsequent compromise entered into between the parties to that suit does not bind the defendants as neither defendants nor their ancestors were party to the partition suit. The defendant contested the claim of the plaintiff on a number of grounds apart from the aforesaid ground. The defendants also pointed out that the plaintiffs and others have filed another Partition Suit bearing no. 85 of 1992 before the Court of learned Sub Judge, Darbhanga which has been pending and in the said partition suit C.S. Khata No. 77, C.S. Plot No. 260, subject matter of Title Suit No. 329 of 2016 is not the subject matter of the said suit rather C.S. Khata No. 77, C.S. Plot No. 212 is the subject matter of Partition Suit No. 85 of 1992 and this goes on to show that ancestral land of the plaintiffs has not been divided. Learned counsel further submits that during pendency of the Title Suit, a petition was filed by the plaintiff on 14.09.2018 seeking amendment in paragraph 10 of the plaint to the extent that the plaintiff wanted deletion of the words “..the decree was passed on the basis of compromise..” and also for deletion of the words “...and each party partitioned between themselves and there is no manner of concern between each party...” The plaintiff



sought to add the words “..the compromise was not acted upon and the parties as per convenience and with consent of the parties came into possession over Old Plot Nos. 355, 260, 359, 456..” This application of the plaintiff for amendment was allowed and the same is under challenge before this Court.

4. Learned counsel further submits that the learned trial court has passed the impugned order erroneously and with material irregularity. The learned trial court completely failed to take notice of the pleadings and arguments of the parties. The learned trial court also failed to appreciate that in seeking amendment in paragraph 10 of the plaint, the very basis of the claim of the plaintiff over his title was going to change and at this stage it would cause serious prejudice to the defendant. Learned counsel further submits that by seeking the amendment in the plaint, the plaintiff has been trying to withdraw the admission made earlier in paragraph 10.

5. On the other hand, learned counsel appearing on behalf of respondent no. 1 vehemently contends that there is no infirmity in the impugned order and the same does not need any interference. Learned counsel submits that no admission is being sought to be withdrawn rather the real dispute of the parties has been brought forth so that the controversy between



the parties is completely adjudicated. Learned counsel further submits that even the issues have not been framed and the amendment has been sought prior to the commencement of trial.

6. I have given my thoughtful consideration to the rival submission of the parties and also perused the record.

7. Perusal of the impugned order shows the said order has been passed without giving any reasons for passing the order. It is a cryptic and non-speaking order. The Hon'ble Supreme Court in a catena of decisions has held that an order bereft of reasons could not be sustained as reasons are the heart beat of a decision and the impugned order is completely lacking on these points.

8. The Hon'ble Supreme Court in the case of ***Raj Kishore Jha vs. State of Bihar & Ors.*** reported in ***AIR 2003 SC 4664*** has held that reason is the heartbeat of every conclusion.

9. Further, the Hon'ble Supreme Court in the case of ***Kranti Associates Private Limited & Anr. vs. Masood Ahmed Khan & Ors.*** reported in ***(2010) 9 SCC 496*** has held that reasons in support of decisions must be cogent, clear and succinct. A pretense of reasons or rubber-stamp reasons is not to be equated with a valid decision-making process.

10. The decision in ***Kranti Associates Private Limited***



(supra) of the Hon’ble Supreme Court stresses upon the importance of reasoned judicial orders and have discussed elaborately why reasoning is the soul and heart of the justice.

11. Therefore, without going into the merits of the rival submission, the impugned order dated 22.08.2023 is set aside for being devoid of any reasons and learned trial court is directed to pass a reasoned order afresh on the application of the plaintiff dated 14.09.2018 within a month from the date of receipt/production of copy of this order.

12. Accordingly, the present petition is disposed of.

**(Arun Kumar Jha, J)**

Anuradha/-

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