

(1995) 01 PAT CK 0040
In the Patna High Court
Case No : C.R. No. 70 of 1994 (R)

Sita Devi and Others

APPELLANT

Vs

Chamari Sao and Others

RESPONDENT

Date of Decision : 04-01-1995

Acts Referred:

Citation : (1995) 01 PAT CK 0040

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : Bhaiya Yogendra Kishore and Bhaiya Vishwajeet Kumar, for the Appellant; Debi Pd., S. Srivastav and L.K. Lal, for the Respondent

Final Decision : Allowed

Judgement

Gurusharan Sharma, J.—Heard the Counsel for the parties and with their consent, this Civil Revision application is being disposed of at the admission stage itself. By the impugned order dated 25.11.1993, the trial Court has allowed the Plaintiffs prayer for amendment of plaint at the final decree stage of the suit and thereby has permitted them to add 4 decimals land bearing Plot Nos. 8271 and 8272 appertaining to Revisional Khata No. 104 of Village Barhi, District Hazaribagh. Since the lands of Revisional Khata No. 104 aforesaid were not the subject matter of T.S. No. 28 of 1980 wherein preliminary decree was passed and final decree proceeding is going on, the Plaintiffs, in my opinion, at this stage cannot be allowed to add new property by amending the plaint. In the circumstances, the impugned order allowing amendment in the plaint is set aside and this Civil Revision Application is allowed.