

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.702 of 2025**

1. Manohar Singh Son of Late Manoranjan Singh Resident of 301, Vishnu Place, East Boring Canal Road, Police Station- Buddha Colony, District- Patna- 800001.
2. Ajay Kumar Singh, Son of Late Manoranjan Singh Resident of 401, Manprabha Apartment, East Boring Canal Road, Police Station- Buddha Colony, District- Patna- 800001.

... .. Petitioner/s

Versus

1. Sabita Singh Wife of Surendra Kumar Singh and Daughter of Late Manoranjan Singh Resident of 9/6 Kasturba Path, North S.K. Puri, Police Station- S.K. Puri, District- Patna- 800013.
2. Jawahar Singh, Son of Late Manoranjan Singh Resident of 14, Atrium Way, Manapam, New Jersey- 07726, U.S.A.
3. Manmohan Singh, Son of Late Manoranjan Singh Resident of 201, Manprabha Apartment, East Boring Canal Road, P.S.- Budha Colony, Patna- 800001.
4. Gayatri Singh, Wife of Suraj Kumar Singh, D/o Late Manoranjan Singh Resident of Tradition Way, Lawrenceville, New Jersey- 08648, U.S.A.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Raj Dular Sah, Advocate

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT**

Date : 13-01-2026

Heard learned counsel for both the parties.

2. By the present Civil Miscellaneous Petition, the
petitioners has prayed for the following relief/reliefs.

*“This is an application for
quashing the order dated 07.08.2024
passed by learned Civil Judge (Sr.
Division), IX, Patna in Title Partition*



Suit No. 168 of 2021, by which learned Civil Judge has allowed the amendment petition filed Under Order VI, Rule-17 of the Civil Procedure Code, 1908, dated 13.01.2023 and directed the respondent/plaintiff to carry out amendment within time and further to pass any other order/orders to which the petitioners found entitled.”

3. It is submitted by learned counsel for the petitioners that petitioners are defendants in Title Partition Suit No. 168 of 2021 which has been filed by the respondents/plaintiffs for their share being the daughter of Late Manoranjan Singh. After filing of written statement, the amendment petition was filed on behalf of the respondents to explain and rebut certain facts as pleaded in the written statement.

4. Learned counsel for the petitioners further submits that they had filed rejoinder/objection with respect to the amendment petition which was not properly considered by the learned Trial Court and in a mechanical manner, amendment petition has been allowed.



5. Learned counsel appearing on behalf of the respondents submits that proposed amendment is essential for proper adjudication of the suit and the property acquired by Late Manoranjan Singh in the year 1939 will be deemed to be ancestral property of father of both the parties after death of their father.

6. So, in this backdrop and considering the submissions of learned counsel for both the parties that trial has not commenced till date, moreover the petition is not going to be prejudiced by the I.O. From the impugned order, it appears that proper opportunity was given to the defendants to file additional written statement with respect to proposed amendment. It is well settled law that the entire issue/dispute between the parties must be decided in a suit in a proper and complete manner. The plea taken by the petitioners that the property acquired by their father are already partitioned by family settlement long back but as per respondents' claim sisters of the petitioners/daughter of Late Manoranjan Singh are not a party in that settlement who are necessary party for any family settlement because they are legal heirs.



7. Considering the aforesaid facts, I do not find any illegality and impropriety in the impugned order. Hence, the order dated 07.08.2024 passed by learned Civil Judge (Sr. Division), IX, Patna in Title Partition Suit No. 168 of 2021 is upheld.

8. Accordingly, Civil Miscellaneous No. 702 of 2025 stands dismissed.

(S. B. Pd. Singh, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
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